

**ALA Intellectual Freedom Committee
Report to Council
2019 ALA Annual Conference
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Monday, June 24, 2019**

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities. Part II of this report, presented at Council III, will include more information about the committee's work, censorship trends, and future projects of the committee.

IFC PROJECTS AND WORKING GROUPS

“Labeling and Rating Systems Q&A”

An IFC working group was charged with revising this Q&A, approved by the committee in 2006 and amended in 2010. The revisions include adding an example of a “prejudicial label,” updating references to outside resources, including a sentence about policies that deny minors equal and equitable access, and incorporating patron privacy into the document. The committee voted to approve the revised Q&A. It is attached to this report as an information item.

“Meeting Rooms Q&A”

After the revision of the rescinded “Meeting Rooms: An Interpretation of the *Library Bill of Rights*,” an IFC working group began gathering questions and concerns that were brought to their attention through emails, social media, blog posts, and surveys to create a Q&A resource. The Q&A outlines the differences between varying public fora and examples of items a meeting room policy can cover. The Q&A also addresses sponsoring groups, political speech, contract violations, user eligibility, and fees. The committee voted to approve this Q&A. It is attached to this report as an information item.

“Library-Initiated Programs and Displays as a Resource: An Interpretation of the *Library Bill of Rights*”

An IFC working group simultaneously revised the “User-Initiated Exhibits, Displays, and Bulletin Boards” interpretation — previously titled “Exhibit Spaces and Bulletin Boards,”

adopted in 1991 and amended in 2004 and 2014 — and the “Library-Initiated Programs as a Resource” interpretation (adopted in 1982 and amended in 1990, 2000, and 2018), retitling it “Library-Initiated Programs and Displays as a Resource” to include displays.

The revised “Library-Initiated Programs and Displays as a Resource” interpretation includes “advertisements” as a format that should accommodate information needs of those who speak and read languages other than English, and examples of personal information that may be requested to determine eligibility to attend a program, such as a library card or student ID. The interpretation was circulated widely for feedback, and each comment was taken into consideration. The interpretation is included in this report as an action item.

“Diverse Collections: An Interpretation of the *Library Bill of Rights*”

An IFC working group revised “Diversity in Collection Development” — adopted in 1982, and amended in 1990, 2008, and 2014 — based on discussions about diversity of viewpoints and diverse collections. The document also switched its focus from Article II of the *Library Bill of Rights* to Article I. Three different revisions of the interpretation were circulated widely for feedback beginning in December, and each comment was taken into consideration. The interpretation is included in this report as an action item.

“Minors and Online Activity: An Interpretation of the *Library Bill of Rights*”

The “Minors and Internet Activity” interpretation was refreshed with updated tech language, an expanded list of examples of actions students can take with online applications, a statement on how filters can overblock content than what is required by the Children’s Internet Protection Act, and expanded sections on minors’ privacy rights and safety threats. A draft was circulated widely for feedback, and each comment was taken into consideration. The revised interpretation is included in this report as an action item.

“Privacy: An Interpretation of the *Library Bill of Rights*”

The IFC Privacy Subcommittee was tasked with updating “Privacy: An Interpretation of the *Library Bill of Rights*,” adopted in 2002 and amended in 2014. Revisions include adding a reference to Article VII of the *Library Bill of Rights* and GDPR, and quoting from NISO’s Privacy Principles. The interpretation was circulated widely for feedback, and each comment was taken into consideration. The Committee on Professional Ethics voted in principle to approve the interpretation. The interpretation is included in this report as an action item.

“User-Generated Content in Library Discovery Systems: An Interpretation of the *Library Bill of Rights*”

An IFC working group revised the “User-Generated Content in Library Discovery Systems” interpretation, adopted in 2016 by, among other changes, elaborating on the opportunities presented with user-generated content; expanding on libraries’ responsibility to safeguard the privacy of users who contribute content to the library discovery systems and review user data collection policies of third-party providers (and encouraging users to review them as well); and adding a phrase on reviewing policies with legal counsel and sharing them with staff. The interpretation draft was circulated widely for feedback, and each comment was taken into consideration. The interpretation is included in this report as an action item.

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

CD # 19.7 “Library-Initiated Programs and Displays as a Resource: An Interpretation of the *Library Bill of Rights*”

CD # 19.8 “Diverse Collections: An Interpretation of the *Library Bill of Rights*”

CD # 19.9 “Minors and Online Activity: An Interpretation of the *Library Bill of Rights*”

CD # 19.10 “Privacy: An Interpretation of the *Library Bill of Rights*”

CD # 19.11 “User-Generated Content in Library Discovery Systems: An Interpretation of the *Library Bill of Rights*”

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

Respectfully Submitted,

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Labeling and Rating Systems Q&A

Librarians employ objective professional judgment through selection, cataloging, classification, and readers' services to make available the information that library patrons want or need. Cataloging decisions, labels, or ratings applied in an attempt to restrict or discourage access to materials or to suggest moral or doctrinal endorsement is a violation of the First Amendment and *Library Bill of Rights*.

Definitions

1. What is the difference between a viewpoint-neutral directional aid and a prejudicial label?

A viewpoint-neutral directional aid is a label that gives information while not persuading a patron to a particular point of view. An example of a viewpoint-neutral directional aid could be a genre label, such as romance, historical fiction, and mystery. A prejudicial label would be a label that tries to persuade or establish an institutional preference for something. An example of this would be a genre label of Christian fiction with a cross as the symbol, which would indicate a preference of Christianity over other religions.

Genres

2. What are examples for determining whether a genre label is a viewpoint-neutral directional aid or a prejudicial label?

Fiction genre labels, such as romance, mystery, and science fiction, are used by many libraries as viewpoint-neutral directional aids. While there may be some differences of opinion about which titles fit within specific genres, choosing a genre is viewpoint-neutral and does not suggest moral or doctrinal endorsement. On the other hand, some public libraries label Christian fiction with a cross as a symbol. This practice, especially when other religious fiction is not designated, communicates a message of preference for Christianity, which is a violation of the separation of church and state and is prohibited by the establishment clause of First Amendment as well as the *Library Bill of Rights*. People of all persuasions and traditions have sincere, heartfelt concerns when a government agency, like a public library, addresses religious issues. The practice of labeling Christian fiction with a cross is fundamentally different from a label bearing a "Mystery" or "Western" sticker. In recognition of this practice, some libraries seek to avoid entanglement with religion by using a label to identify materials as "inspirational fiction" that may or may not have religious-based content. As long as both the selection of materials to be labeled and the label used is viewpoint-neutral and inclusive, this practice would not violate the *Library Bill of Rights*.

Enhanced Content in Catalogs

3. Does the practice of bundling bibliographic records with databases and other electronic informational resources, including book reviews, book covers, and other evaluative materials, violate the *Library Bill of Rights*?

Some vendors provide bibliographic records enhanced with databases and other electronic informational resources, including book reviews and other evaluative materials. The *Library Bill of Rights* interpretations on [labeling](#) and [rating](#) should not be construed to preclude the provision of resources and information useful to patrons as they make their choices from the library's catalog as long as the criteria for inclusion is viewpoint-neutral.

Libraries should seek the broadest spectrum of informational and evaluative materials as possible. Furthermore, the library profession should advocate for the inclusion of diverse viewpoints in the products that vendors develop for libraries.

4. Is it appropriate to add movie, game, or music ratings to the bibliographic record?

No, because these rating systems are devised by private groups using subjective and changing criteria to advise people of suitability or content of materials. It is the library's responsibility to prevent the imposition or endorsement of private rating systems. Including such ratings in the bibliographic record, library records, and other library-authored finding aids would predispose people's attitudes toward the material and thus violate the *Library Bill of Rights*.

Rating Systems and the Library

5. What if a group develops a rating system? What would ALA advise?

Any private group's rating system, regardless of political, doctrinal, or social viewpoint, is subjective and meant to predispose the public's attitude. The use by libraries, therefore, would violate the *Library Bill of Rights*. Libraries should remain viewpoint-neutral, providing information that patrons seek about any rating system equitably, regardless of the group's viewpoint.

6. What if a library board is asked to use movie, video game, music, or other ratings to restrict access?

A variety of private organizations — including the Classification and Rating Administration (CARA) of the Motion Picture Association of America (MPAA), Canadian Motion Picture Distributors Association (MPA Canada), PSVRatings Standards Board (PSV), Parents Television Council (PTC), Entertainment Software Rating Board (ESRB), TV Parental Guidelines Monitoring Board, and the Recording Industry Association of America (RIAA) — have developed rating systems as a means of advising parents concerning their opinions of the

contents and suitability or appropriate age for use of certain books, films, recordings, television programs, websites, or other materials.

None of these organizations are government agencies and as such their rating systems cannot be mandated or enforced by any government or agency, including a publicly funded library. This applies with equal force to library policies and procedures that effectively deny minors equal and equitable access to library resources and services available to other users. A library can, however, make information concerning these rating systems available to library patrons.

For more information on this topic, see Deborah Caldwell-Stone's "[Movie Ratings are Private, Not Public Policy](#)" from the Illinois Library Association Reporter (2004).

7. Is it prejudicial to describe violent and sexual content? For example, would including "contains mild violence" on bibliographic record of a graphic novel violate the *Library Bill of Rights*?

Yes, in any community, there will be a range of attitudes as to what is deemed offensive and contrary to moral values. Potential issues could be sexually explicit content, violence, and/or language. Including notes in the bibliographic record regarding what may be objectionable content assumes all members of the community hold the same values. No one person should take responsibility for judging what is offensive. Such voluntary labeling in bibliographic records and catalogs violates the *Library Bill of Rights*.

Age, Grade, Reading Level, and Computerized Reading Programs

8. Is it acceptable to restrict certain sections of the collection based on the patron's age or grade level?

Restricting access to library materials based on age or grade level does not respect the individual needs, interests, and abilities of patrons and violates the *Library Bill of Rights*.

9. I would like to label sections of the library using Lexile or reading level designations, such as those supplied by Accelerated Reader. Is this acceptable?

Library users that utilize reading-level designations are most often in the K-8 grade level band. While knowing the reading level of a book can assist library users, organizing a library via these labels can impose a psychological barrier for patrons who do not know their reading level. Many will feel that they should not utilize those resources.

Library users who do know their reading level may feel compelled to select only resources at their reading level. This will result in patrons not utilizing the full scope of the library collection.

Labeling books with Lexiles or reading levels is also an issue of patron privacy. If a patron is a reluctant or struggling reader, they may avoid selecting resources based on a fear of being embarrassed by their peers. This results in turning struggling readers into non-readers.

10. All students in my school are required to participate in an electronic reading program that monitors progress. Parents and teachers want library books organized by reading level so that students can easily access and be limited to books that meet their individual needs. Is this acceptable?

No, the chronological age or grade level of students are not representative of their information needs or total reading abilities. If collections are organized by age or grade, some patrons will feel inhibited from selecting resources from sections that do not correspond to their exact characteristics. If the library limits users from checking out resources from sections other than those that match the users' characteristics, the library will most likely not serve the needs of all users.

Some parents and teachers may find reading levels helpful in guiding developing young readers. Most computerized reading programs list books by grade or reading levels on their websites and parents and teachers may consult these if they wish to seek such information.

11. My library patrons participate in a leveled reading program, such as Accelerated Reader, and we feel pressured to purchase books that are on the reading lists. What do I do?

Using levels for recreational reading prevents students from borrowing books that interest them. While lists from programs like Accelerated Reader may be helpful in selecting books for a classroom or school literacy program, it is important to remember that emotional and maturity levels do not necessarily correlate with reading level. A library or school district should have a selection policy that specifically outlines how materials are selected, which may include specific review journals and other professional collection tools. Librarians should advise teachers and administrators that their responsibility is to follow the selection policy of the institution and quality selection practices. This practice may mean that some books on these lists that are recommended for high-achieving young readers may not be recommended to those readers because of the maturity level of the content presented.

For more information, see "[Selection & Reconsideration Policy Toolkit for Public, School, & Academic Libraries](#)."

Recommended Book Lists

12. A local school has a required summer reading list. Our library pulls them from the general collection and places them together. Is that considered viewpoint-neutral?

Yes, assembling materials that will be in high demand for a limited period of time help library patrons find them. Such selections should be accessible to all patrons and not limited to the target audience.

Labeling Based on Ethnic or Language Group

13. We have a large population of a specific ethnic or language group in our service area. We would like to create a section of the library and a collection to recognize that. Is that acceptable and how may we go about it?

When there is a large population of a specific ethnic or language group in an area, it often creates a large demand for items relevant to their experience in the library. To meet that demand and make it simpler for the patrons to locate those resources, libraries sometimes choose to create a special collection and/or area devoted to those resources. As long as these collections represent diverse points of view within the parameters of the collection and are designed to help patrons find resources relevant to their experience and not to restrict them to a certain section of the library, this practice would be acceptable.

Approved by the Intellectual Freedom Committee April 6, 2006; amended January 16, 2010.

See Also

“[Rating Systems: An Interpretation of the *Library Bill of Rights*](#),” adopted on June 30, 2015, by ALA Council.

“[Labeling Systems: An Interpretation of the *Library Bill of Rights*](#),” adopted on June 30, 2015, by ALA Council.

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Meeting Rooms Q&A

Definitions

Behavior policy: Behavior policies cover actual behavior and not arbitrary distinctions between individuals or classes of individuals, appearance, or behavior that is merely annoying or generating negative subjective reactions from others.

Establishment Clause: The First Amendment's Establishment Clause prohibits the government from making any law “respecting an establishment of religion.” This clause not only forbids the government from establishing an official religion, but also prohibits government actions that unduly favor one religion over another. It also prohibits the government from unduly preferring religion over non-religion, or non-religion over religion.

Library-sponsored event: This event is planned and executed by the library; co-sponsored events are normally considered to be library-sponsored.

Meeting room policy: Meeting room policies provide rules and regulations that govern all possible spaces used for meetings by outside groups in the library including library-related parks, lobbies, and labs.

Non-library sponsored (group) event: This is an event that is planned and executed by an entity other than the library.

Public forum: A public forum is a place or space, either physical or virtual, in which any person can exercise their First Amendment right to speak or engage in other expressive activities. The courts have identified three different types of public forums:

A **traditional public forum** is a government-owned place that has been traditionally available for public assembly, speech, and discussion (e.g., parks, sidewalks, and streets).

A **designated or limited public forum** is a public place purposefully designated by the government, or established through tradition, as a place dedicated to a particular type of expression.

A **nonpublic forum** is a place that is neither traditionally used for expressive activities nor set aside or opened up in a substantial way for expressive activities.

Rules about what kinds of restrictions on speech may be legally imposed in a given place are based on the type of forum that has been established.

Public Forum (Meeting Rooms and the Law)

1. Does the First Amendment apply to my library?

The First Amendment applies to all government and publicly funded agencies, including libraries. It does not apply to private institutions. The extent to which it applies to a government or publicly funded agency—whether a public library, public school library, or academic library that is part of a public institution—will depend on the context and application of the public forum doctrine.

Because the mission of public libraries is to serve the larger community, courts have imposed stricter standards on restrictions to access to the library's resources and facilities, and require greater access to information and the library facility in public libraries. Public schools and universities—including their libraries—serve defined communities of students and employees, rather than the general public. As a result, they are generally considered nonpublic forums. They may have greater latitude to impose restrictions on access consistent with their missions. Students' access to resources and the removal of materials in public schools and academic libraries in public colleges and universities, however, are matters still subject to the First Amendment.

Any institution that opens its facility to the public for the use of its space could be considered a limited or designated public forum for that purpose and would have to meet the more stringent First Amendment standard applicable to that type of public forum. Also, any library that participates in the Federal Depository Library Program (FDLP) must provide free access to FDLP information resources in all formats to any member of the general public without impediment.

All libraries, public or private, are encouraged to adopt policies supporting intellectual freedom and reflecting the principles expressed in the *Library Bill of Rights*.

2. Must a public library provide meeting rooms to the public?

A public library is not obligated to provide access to its meeting rooms and other facilities.

If a public library chooses to open its meeting rooms, display cases, or literature tables for public use, those facilities are considered a designated public forum.

Public libraries that open their facilities to public use cannot disadvantage or exclude speakers or groups from using their facilities solely because they disagree with those parties' views or the content of their speech.

A public library that opens its facilities for public use may not exclude a group from its facilities to avoid controversy or public disapproval.

3. Must publicly funded school and academic libraries provide meeting rooms to the public?

Publicly funded school and academic libraries are not obligated to provide access to their meeting rooms and other facilities.

School and academic libraries are likely to be subject to institutional policies and should consult with their administration about these spaces. Publicly funded schools and universities that open their spaces to the public would be governed by the same public forum rules as public libraries, so libraries are advised to consult with their administration.

4. Do libraries endorse the speech or viewpoints of outside groups that use library meeting rooms?

Just as libraries do not endorse information contained in their collections, libraries do not (and should not) endorse any speech made by outside groups in their meeting rooms. This includes political, social, religious, and partisan groups as well as groups that advocate or advance controversial ideas or disparage others. Libraries should consider including language in their policies stating that the provision of meeting room space to a group is not an endorsement of the group, its beliefs, or its speech.

5. Does it violate the Establishment Clause if a public library provides meeting space to a religious group or a group that intends to engage in religious practices?

No court has held that the First Amendment's Establishment Clause requires libraries to prohibit meeting room use by religious groups engaged in worship. Religious groups and organizations must be treated like any other community group. See also "[Religion in American Libraries Q&A](#)."

6. Who promotes meetings and events when the library is not a sponsor?

The sponsoring group should be responsible for promoting its meeting or event. Libraries are under no obligation to display advertising for outside groups, but if they choose to do so, all groups should be treated equally. Promotional materials should clearly indicate the name and contact information of the sponsor of the program. If the name and address of the library is used for directional purposes, advertising should indicate that the views do not represent that of the library.

7. Can libraries deny a group access to meeting rooms?

Libraries may deny access only if an individual or group does not meet the eligibility guidelines stated in the library's policies. Meeting rooms are open to reservation by everyone who is eligible to use the facility according to the library's policy.

The reasons for denial must be reasonable in light of the policy, apply equally to all individuals or groups, and cannot be based on the organizers' views, background, beliefs, or the content of

their speech. Meeting room policies should include a means of appealing a decision to the library director or the governing body of the library.

Libraries may not deny access because of disagreement with an individual or group or because they are considered offensive or controversial. Article VII of the ALA *Code of Ethics* states, “We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.”

8. Has a library ever been sued for denying access to the library’s meeting rooms?

Libraries have been successfully sued by groups that have been denied access to library meeting rooms based on the group’s beliefs, the content of their speech, or the fear that the group’s meeting will cause controversy. Most notably, libraries have been successfully sued by religious groups that have been denied access to library meeting rooms. See *Concerned Women for America, Inc. v. Lafayette County*, 883 F.2d 32, 35 (5th Cir. 1989) and *Citizens for Community Values, Inc. v. Upper Arlington Library Board of Trustees*, Case No. C-2–08–223 (S.D. Ohio 8/14/08).

9. Should a library exclude politicians, elected officials, and partisan political activities?

An individual or group should not be denied access to the library’s meeting room because they intend to engage in political speech, to meet with constituents, or to discuss partisan views. Partisan campaign events may be inconsistent with the library’s mission and should be addressed in the library’s policies. In addition, state and local laws governing the use of public funds and facilities may regulate the use of the library’s facilities for partisan events. Libraries should consult with their legal counsel for guidance on these issues. See also “[Politics in American Libraries: An Interpretation of the Library Bill of Rights.](#)”

Policy

10. What should a meeting room policy cover?

A policy should address the following items:

- Statement of why the library provides meeting rooms to the public
- List of what the library provides as a meeting room to the public
- Eligibility requirements
- Appeals procedure

A policy may address, but is not limited to, the following:

- After-hours events
- Alcohol and drug consumption
- Consequences of not following policies
- Contract or written agreement
- Costs for cleaning
- Extra security and any related fees
- Food and beverage consumption
- Frequency of using a room (e.g., no more than once a week/month)
- Noise
- Prohibited items
- Purpose of use by the individual or group making the reservation
- Rental fees for room or use of equipment
- Restrictions on length of meetings
- Sales in the room

The meeting room policy should be applied equally to all individuals and groups and reflect the mission and plan of service of the library. Policies must adhere to local, state, and national laws and regulations.

The policy can regulate the time, place, or manner of use, as long as the regulations do not pertain to the message communicated during the meeting or to the beliefs, opinions, or affiliations of the sponsors. The meeting room organizer and those attending the meeting are required to comply with the library's behavior policy.

Best practice is to include a statement addressing the failure to comply with these policies, which may lead to immediate termination of the meeting, exclusion of individuals from library premises pursuant to the rules, and/or loss of future meeting room privileges.

The policy should provide a means of appealing a decision to deny access to the library's facilities to the library director or the governing authority.

Policies should be regularly reviewed by staff and be easily accessed on both the library's website and in the library itself.

11. What other policies apply to meeting room use?

All libraries should have a behavior policy approved by the relevant governing authority. Groups using library meeting rooms should be given a copy of the behavior policy when signing the meeting room contract or written agreement.

See “[Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities](#)”

12. What if the individual or group reserving the meeting room violates the contract or written agreement?

If the group or person violates the contract, policy, or terms of use, consequences may be imposed, including cancellation of reservation or loss of future use of the meeting rooms. These procedures should be outlined in the meeting room policy and in any other contract or terms of use given to the group or person when they reserve the room or space, including an appeals process. Compliance with the library’s behavior policy should also be incorporated into the contract or written agreement.

13. What if the organizers or attendees violate library policy?

Library workers should take appropriate action as defined in the library’s policies when a group or individual is violating those library’s policies, such as the behavior and use policy. Behavior that harasses employees or users should not be tolerated. Library administrators have a responsibility to ensure that all library workers are familiar with and trained about all applicable policies concerning meeting rooms and user behavior. See “[Hateful Conduct in Libraries: Supporting Library Workers and Patrons.](#)”

Sales and Fees

14. Would engaging in sales or offering commercial information be allowed in a meeting room?

Meetings and organizations engaging in sales or offering commercial information may only be excluded under limited circumstances. Policies must be explicit when stating if sales or promotions of services and items are allowed.

15. May a public library charge fees for its public spaces?

Yes, but the fees must be applied equally. The rules and fees must be outlined in the library’s policies. See “[Economic Barriers to Information Access: An Interpretation of the *Library Bill of Rights*.](#)”

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,¹ 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.² 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.”³ 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. Revisions proposed for ALA Annual Conference 2019.

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.¹

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.²

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. Revisions proposed for ALA Annual Conference 2019.

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. Revisions proposed for ALA Annual Conference 2019.

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.¹ 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.² 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.³ Numerous decisions in U.S. case law have defined and extended rights to privacy to all.⁴

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.⁵ 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 1939.⁶ 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.⁷

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.⁸

Libraries should follow purpose-limitation, storage-limitation, and data-minimization principles⁹ 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. Revisions proposed for ALA Annual Conference 2019.

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.¹ 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.² 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.³ 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.⁴

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. Revisions proposed for ALA Annual Conference 2019.