

TO: ALA Executive Board

RE: Advancing Library Information Policy

ACTION REQUESTED/INFORMATION/REPORT: Discussion

ACTION REQUESTED BY:

Alan Inouye, Director of the Office of Information Technology Policy

Barbara Jones, Director of the Office for Intellectual freedom

CONTACT PERSON:

Alan Inouye, Director of the Office of Information Technology Policy, ainouye@alawash.org

Barbara Jones, Director of the Office for Intellectual Freedom, bjones@ala.org

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BACKGROUND:

Many units of the American Library Association (ALA) engage in information policy, using an array of strategies and tactics under the rubric of the ALA Executive Board's Strategic Direction on Information Policy. These activities and the consequent outcomes may take place at the international, national, regional, state, or local levels in the context of libraries of every type.

ALA's information policy efforts empower people to use libraries and information-based resources to transform their lives and communities. Information policy comprises laws, regulations, court decisions, doctrines, and other decision-making and practices related to information creation, storage, access, preservation, communication, accessibility, and dissemination. Information policy work often spans multiple years and typically involves an initial phase focused on obtaining a desired decision (e.g., law, court decision, or regulation) and then an implementation phase.

The issues comprising information policy are diverse. In this highlights report, these issues are organized into four broad categories of outcomes, three externally oriented:

- **Materials:** Broadband networks, digital objects, print books and periodicals, money, buildings, and the like—the 'stuff' that libraries need to serve communities.
- **Library services:** Digital literacy, digital production labs, reference services, early learning, internet access for the public, access to scholarly journals; and the people who work in libraries—a focus on how users directly benefit from libraries.
- **Values:** Intellectual freedom, privacy, diversity in the profession, equitable access to information, and more—policies on ethical values that serve as the foundation for information policy work in all these categories.

And one internally oriented to focus on the infrastructure that enables effective information policy outcomes by ALA and our members:

- **Enabling policy infrastructure:** ALA leaders and the library community understand information policy; ALA/library policy positions are easily accessible; ALA leads and participates in effective coalitions; ALA makes it easy for members to engage in the policy making process; and ALA commits to improved communication and coordination across ALA units; and more.

These categories are interdependent, but a given outcome or activity can usually be associated with one category more than the others.

As a highlights report, not all of the Association's issues can be addressed here, and the focus will vary over time with the priorities and accomplishments of ALA and developments in the policy environment. Also, since information policy, advocacy, and professional development and leadership involve overlapping domains, some issues described here may appear in one or both of the other highlight reports. Overall, this report will focus on the most impactful information policy outcomes (and significant outputs) over the past 12 months or so.

For each information policy impact listed, two aspects are described: 1) articulation of the outcome and its importance to ALA and its members; and 2) characterization of how ALA made a difference towards the particular outcome.¹

Information Policy Impacts – Materials

- *Increase funding for broadband networks:* At the end of 2014, the Federal Communications Commission (FCC) reformed the E-rate program to add \$1.5 billion annually in available funds; change rules to better support more robust and affordable broadband for public libraries and schools; and direct the E-rate administrator to work with state entities to improve library participation in the E-rate program.

The important library impacts from this proceeding include: increased funding available, for increasing broadband connections to the library building and for upgrading internal wi-fi networks; rule changes that ALA specifically sought that provide greater flexibility in how public libraries may secure more robust and affordable broadband; greater library visibility among key media outlets in a federal program largely dominated by school organizations; and policy relationship building that led to the development of a “library support team” at the E-rate administrator level to identify barriers to increasing library broadband capacity and ultimately increase library participation in this \$3.9 billion federal program.

ALA engagement on this E-rate proceeding involved the submission of six sets of extensive comments, the publication of dozens of blog posts, and participation in dozens of articles and press conferences. Retail advocacy was also important, with dozens of in-person meetings between ALA representatives and FCC commissioners and staff, and hundreds of email exchanges, and even more numerous phone calls. Senior FCC officials participated in three ALA conferences and as a result of our strengthened relationship, enabled library involvement in the Administration's ConnectHome initiative. ALA's involvement with the FCC continues as the library community resolves operational issues in the implementation phase.

- *Encourage engagement between members, ALA staff, and coalitions to create materials policy on the local and state levels, based on ALA values and other policies:* In 2014 over 300 challenges to books and other materials were reported to ALA. One example is a censorship case at the Hood County Library in Granbury, Texas. Over 50 organized residents filed formal

¹ Once we have established the structure of this report, we will omit the introductory narrative on the taxonomy.

challenges against two LGBT picture books in the children's section. When the Director and her Advisory Board refused to move the books, the complainants went to the County Commission. In advance of that meeting, ALA staff spoke frequently to the library director, provided book reviews, quoted relevant ALA policy from the *Intellectual Freedom Manual*, and helped her strategize for various community meetings. ALA also alerted the Texas Library Association, which gave her moral and other support on the local level. ALA and coalition partners such as the National Council of Teachers of English and the Comic Book Legal Defense Fund sent the County Commission letters in support of the books and the library, pointing out legal precedent in Texas. We monitored the case from beginning to end and offered support as requested.

In a packed public meeting, the commissioners accepted the legal argument, which was also backed up by Hood County's attorney. The library was victorious only because ALA and coalition partners, including the Texas Library Association, worked together.

The important impact of the victory is that ALA policy was applied effectively to keep the books in the library. Our policy was respected by the commissioners and attorneys in the case. It also boosted ALA member confidence in the expert service we can provide. Finally, other small libraries can look to this victory, the role of ALA and TLA, and use this as a model and hopefully save thousands of dollars on a lawsuit that would split the community apart. This is also an example of the importance of ALA's collaboration with other groups to achieve a successful result. Further, ALA's annual Banned Books Week reminds librarians and the general public that censorship of the artifact is still going on—and offers ways they can get involved.

- *Strive towards affordable college textbooks*: There is no specific outcome or output yet, but efforts are underway to help students manage costs by making high quality textbooks easily accessible to students, professors and the public for free. ALA joined a broad coalition calling for the White House to take administrative action to ensure that federally-funded educational materials are made available as open education resources.

Information Policy Impacts – Library Services

- *Increase federal funding for workforce development efforts*: In summer 2014, President Obama signed the Workforce Innovation and Opportunity Act into law. The U.S. Department of Labor and U.S. Department of Education are completing a rulemaking to implement the changes ALA won to include libraries as eligible entities under the Act. In this \$6 billion program, libraries could plausibly qualify for tens of millions of dollars in the first year—if they act—and potentially higher amounts.

Under the Act, public libraries may be considered additional One-Stop partners and thus have access to federal funding for job training and job search programs. In particular, the Act authorizes adult education and literacy activities by public libraries to be an allowable statewide employment and training activity. There are other procedural changes favorable to libraries.

ALA policy advocacy activities included outreach to the Department of Labor, Department of Education, and the Institute of Museum and Library Services, resulting in a joint statement, and outreach to the U.S. Conference of Mayors. ALA submitted comments in response to a Notice of

Proposed Rulemaking, reflecting input from an ALA-wide task force. ALA engaged in face-to-face and other communications with relevant federal officials and others (e.g., association executives) who could exert influence. Lobbying and policy advocacy took place for years to help get the legislation passed. ALA provided suggested legislative language, negotiated with Congressional staff, and had meetings...and more meetings.

- *Promote privacy rights for libraries and their users:* In 2013, longtime ALA leader Pam Klipsch was approached by two Missouri state legislators—one Tea Party, the other Democrat—to see if there was a way to update the Missouri library confidentiality statute for the 21st century. Pam, the Missouri Library Association, and the legislature worked together to pass HB 1085, which expands the purview of privacy laws concerning library records to include digital items from third-party vendors.

ALA worked closely with the Missouri librarians to provide information about comparative bills in other states, FOIA law, and which were the best state privacy legislative models. The Intellectual Freedom Round Table awarded Pam the Immroth Award at the 2015 San Francisco annual conference. This action was well covered in the press.

The work of the Missouri librarians has much to tell us about the impact of ALA. First, we provide librarians the information and programming to be leaders. We work with them to become advocates and show them how to talk to their political leaders. We work collaboratively with state chapters. This statute can now be used as a model for other library associations to work on updating their state confidentiality laws.

Information Policy Impacts – Values

- *Ensure strong network neutrality protections:* FCC adopts and defends rules that preserve and protect the Open Internet and reference advocacy from library and higher education coalition managed by ALA. The February 2015 Order asserts “bright line” rules that ban blocking or throttling of legal content, applications and services; and paid prioritization of some Internet traffic over other traffic; and enhances network management transparency rules. Since then, the FCC and advocates have defended the Order in Congress and now in the courts.

The Order aligned nearly perfectly with network neutrality principles developed and advocated by library and higher education groups to preserve the Open Internet as a vital platform for free speech, innovation, and civic engagement. These protections are essential to meeting the library mission in serving America’s communities in the digital age. America’s libraries collect, create, and disseminate essential information to the public over the Internet, and enable our users to create and distribute their own digital content and applications. This advocacy also built ALA visibility among FCC leaders and Open Internet allies.

Activities included building upon an historical collaboration with ALA, ARL and EDUCAUSE to bring together nearly a dozen library and higher education groups (including ACRL) to prepare three substantive public filings to the FCC, participating in an FCC-convened roundtable of key stakeholders, multiple meetings with FCC General Counsel, legislative visits to key Congressional

staff, coordination and development of an amicus brief to the U.S. Court of Appeals, and media placements with *Wired*, *Currents*, the NEA e-newsletter and more.

- *Protect and ensure library users' privacy*: The ALA Intellectual Freedom Committee approved a new document, "Library Privacy Guidelines for E-book Lending and Digital Content Vendors." The document establishes baseline best practices for vendors to follow in order to protect the privacy of library users when providing eBook lending and digital content services to libraries. It draws on ALA's organizational values as expressed in ALA policy. It is intended to encourage vendors and libraries to work together to develop effective privacy protection policies and procedures. It was developed by the IFC's Privacy Subcommittee with substantial input from additional ALA committees, interest groups, and roundtables with an interest in privacy. In a time when data collection and use is rapidly evolving, these guidelines provide an ethical and values based foundation for balancing the need to preserve the library user's privacy with the desire of libraries to collect user data and provide personalized services to library users, while respecting and protecting the individual's right to make their own informed decisions in regards to the privacy of their data.

Information Policy Impacts – Enabling Policy Infrastructure

- *Developed and disseminated National Policy Agenda for Libraries*: Completed development of a high-level national policy roadmap for the library community. This policy agenda is needed to help ensure consistent messaging across library organizations and to bolster our proactive stance in policy advocacy.

The policy agenda positions libraries as key to “opportunity and progress” with a goal of increasing their perception as essential rather than nice-to-have or obsolete. A major policy focus concerns building capacity in areas such as education and learning, employment and entrepreneurship, health and wellness, government information services, and heritage and history. Another policy focus is oriented towards advancing the public interest and includes funding, copyright and licensing, digital content systems, privacy, broadband access, libraries and the federal government, and information professionals.

Central to the development of the agenda was the input and guidance from a Library Advisory Committee representing views across library types and library organizations. Outreach included in-person consultations and presentations with multiple library organizations and ALA units, and featured a brainstorming session at the last annual meeting of the Chief Officers of State Library Agencies. ALA also solicited input through a public request for comment. This effort was supported by the Bill & Melinda Gates Foundation that enabled expert advice from a major law firm and strategic communications company.

- *Launched Libraries Transform campaign*: This ALA-wide communications campaign also serves as a vehicle to transmit high-level messaging from the National Policy Agenda for Libraries.

The Libraries Transform campaign goal to increase public awareness of the value, impact and services provided by libraries and library professionals fully supports national policy goals. The

Libraries Transform campaign will ensure there is one clear, energetic voice for our profession, which is critical for effective policy advocacy at all levels.

2015-2016 ALA President Sari Feldman selected the theme of “The Library Profession Transformed” for her presidential term. Working with her advisory committee and with input from ALA members and leaders, the decision was made to develop a campaign to elevate awareness of contemporary library work to advance ALA advocacy and information policy agendas. This campaign, Libraries Transform, has been adopted as ALA’s new primary communications theme.

- *Invited to be founding members of key coalitions:* ALA joined the Re:Create copyright coalition and the WiFi Forward coalition focusing on broadband.

The Re:Create coalition focuses on balanced copyright policy and in particular, supports a robust fair use right. The importance of this particular coalition is that the members span varying ideological and otherwise diverse perspectives and include influential organizations such as the Consumer Electronics Association and the Computer and Communications Industry Association. Similarly, the WiFi Forward coalition, which focuses on widespread wifi for everyone, includes new players for us such as Comcast, Best Buy, and Microsoft. Both coalitions have staff and other resources to advance their respective interests.

ALA’s invitation to become founding members of these coalitions derived from multiple factors. We’ve developed a strong presence in copyright and broadband policy in Washington, with increasing coverage in inside-the-beltway publications and visibility at meetings and convenings. We’ve also developed continuing relationships with influential organizations such as Google that factored into these invitations.

Invited to join the Let's Encrypt initiative, a free, automated, and open certificate authority. The initiative was launched by the Internet Security Research Group (ISRG) as a public interest corporation and will provide the means for anyone who maintains an internet domain – including libraries – to obtain a server certificate at zero cost, making it possible to encrypt data communications between servers and provide greater security for those using the internet for email, browsing, or other online tasks. Sponsorship of this initiative positions ALA as a supporter of strong online encryption as a privacy tool and helps foster a pro-privacy, pro-encryption environment. It also provides a tangible benefit to libraries and schools that do not have sufficient staff or funding to install the necessary software that would secure their websites.

ALA's sponsorship of this initiative grew out of our relationships with other civil liberties and privacy NGOs that were developed as a result of Choose Privacy Week and similar advocacy efforts.

- *Invited by the National Information Standards Organization (NISO) to develop a framework for preserving patron privacy in the delivery of digital library services* that is based on a consensus developed between librarians, publishers, and information system providers. The framework is poised to become a baseline for both public and private policy initiatives. Participation by ALA members and staff insured that ALA's values and priorities concerning patron privacy were

incorporated into the framework while providing opportunities to establish stronger relationships with vendors and standards organizations.

- *ALA and global librarianship:* Increasingly over the past decade ALA has extended its reach around the globe and has been influential in the international policy arena. For example, the USA and EU's privacy laws differ significantly, and so the related issue of "The Right to Be Forgotten" has become a topic for IFLA and national library associations to negotiate. ALA will convene a panel at ALA Midwinter 2016 to discuss this important topic.

Internet policy differs dramatically among IFLA members. Some filter content aggressively and some do not. While IFLA policy, *The Internet Manifesto*, calls for an open Internet, the reality is not so simple. ALA is viewed in many IFLA circles as the "North Star" in our approach to censorship of the Internet, despite recent problems in the USA with privacy invasion. Global surveillance has been a much deliberated topic at recent IFLA meetings, especially in light of the Snowden revelations. ALA is expected by other national library associations to play an important and influential role on international library policy. We are consulted regularly to play a role in privacy policy, for example, as an ALA staff member was asked to speak at the British CILIP meeting on this topic.