

**THE INTELLECTUAL FREEDOM COMMITTEE RESPONSE TO
THE RESOLUTION IN COUNCIL DOCUMENT #24:
OUTSOURCING AND PRIVITIZATION IN AMERICAN LIBRARIES**

Background

At the 1999 Midwinter Meeting, the ALA Outsourcing Task Force presented *Outsourcing and Privatization in American Libraries* (CD#24) to the Executive Board. The task force recommended that ALA reaffirm the following fundamental values in the context of discussing outsourcing and privatization of library services. These values include:

- That libraries are an essential public good and are fundamental institutions in democratic societies;
- That intellectual freedom is a basic democratic privilege and that ALA defends the right of library users to read, seek information, and speak freely, as guaranteed by the First Amendment; and
- That any outsourcing activities in libraries need to be compatible with ALA advocacy of policies that support libraries as democratic institutions serving people of all ages, income levels and races, and providing the range of information resources needed to live, learn, govern, and work.

Response

The Intellectual Freedom Committee endorses this reaffirmation of our fundamental values and considers that the aforementioned values support intellectual freedom principles and library services. We urge that libraries keep these fundamental values as a central point in deliberation on possible outsourcing of libraries' activities and functions.

The Intellectual Freedom Committee has identified the following as additional issues that warrant the creation of a checklist for those who are considering and/or developing contracts for services.

- **Legal and Governance Issues**
As the report noted, the legal governance of publicly funded libraries often is structured with elements of accountability that, if withdrawn, suggest significant potential implications for the safeguarding of intellectual freedom protections for users and for staff. Any decision-making or policy implementation steps that change these protections require careful scrutiny. Some examples of these elements are: (1) legal accountability on these issues for elected or appointed positions, (2) Freedom of Information Act requests, (3) open meeting laws, and (4) community challenges to decisions on services and resources.
- **Privacy and Confidentiality Safeguards**
Privacy and confidentiality safeguards require careful protections if commercial concerns are brought to bear in these areas. Databases and files containing patron information are valuable assets in libraries and require protection, no matter who holds direct responsibility for their maintenance. Access to such databases should be carefully restricted and use of them for non-library purposes proscribed.
- **Performance Measures**
Any contracts to which libraries are parties should take special care in identifying performance measures, so that provision of access and ensuring intellectual freedom protections are fundamental. The library's mission to serve its community of users should not be limited by performance measures such as lack of complaints or an absence of challenges by users, or by reliance solely on circulation data.

- **Collections Accountability**

The fundamental value of intellectual freedom must not be compromised in such functions as selection, reconsideration, and deselection of library materials or resources. Management decisions and, particularly, final decisions in these areas, need to be within the control of personnel who are directly accountable to the governance of the community being served.

Selection processes should be revised and monitored continually to ensure diversity in collection development (e.g., inclusive of small press and alternative materials) and reflective of community needs and interests.

At least one court case (*Mainstream Loudoun v. Board of Trustees of Loudoun County Library*) indicates that ultimate responsibility for selection, reconsideration, and access cannot be delegated to a vendor.

- **Access Considerations**

Any contractual arrangements for services, such as cataloging and authority control, which affect how users obtain access to library resources, should demonstrate how First Amendment rights are being safeguarded.

- **Workforce Educated in Intellectual Freedom Principles**

Any library seeking to contract for functions or services needs to consider carefully the value of a workforce educated in intellectual freedom principles and the impact of that training on the day-to-day decisions and choices that are made. Any contract with a vendor needs to include provisions that describe how intellectual freedom issues will be addressed at the operational level.

- **Workplace Intellectual Freedom Issues**

Many libraries currently specify their employees' First Amendment and intellectual freedom rights. Any contracts to which such libraries become signatories should address and preserve those employee rights and protections against liability.

Recommendations

We have continuing concern about the impacts of outsourcing on the protections for the rights of library staff and for access by non-traditional users. These issues extend beyond the purview of the Intellectual Freedom Committee. We therefore recommend reviews be requested by the OLPR Advisory Committee and the OLOS Advisory Committee to further advise the Executive Board.

Furthermore, we encourage a similar review by the ALA Committee on Professional Ethics.

The Intellectual Freedom Committee recommends to Council that a checklist of the issues that need attention in any consideration of or contracting for outside provision of services or performance of functions for the library be developed. Such a checklist will target librarians, library and government officials who would develop such contracts, and vendors who would become parties to the contracts. If council accepts this document, the IFC will take responsibility for initial work on such a checklist, with the understanding that other committees to which this Report are referred also would develop appropriate sections. The Intellectual Freedom Committee recommends this approach, rather than an *Interpretation of the Library Bill of Rights*.

Presented by the ALA Intellectual Freedom Committee to the ALA Council, June 30, 1999