

Intellectual Freedom in Libraries: *Some Current Issues*

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(Some) IF Issues in Libraries

- The Digital Age
 - Filtering
 - Web Sites
 - Data Collection and Protection
 - That Libraries do
 - That Vendors do
- Labeling and Ratings
- Right to Be Forgotten
- Privacy Audit (ALA Privacy Toolkit)

What Libraries Do

- An incomplete list
 - Provide access to information
 - For a variety of user purposes
 - In a variety of media
 - Provide opportunities for learning
 - Expertise - seeking, finding, teaching
 - Events and programs
 - Facilities (meeting rooms to MakerSpaces)
 - Equipment (from telescopes to chain saws)

What Libraries Do

- An incomplete list
 - Provide opportunities for building community through
 - Facilities
 - Events
 - Programs
 - Place
- Provide a safe haven for *Intellectual Privacy* (Neil Richards)

One Key to Library Brand!

- “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.”
 - *ALA Code of Ethics*

One Key to Library Brand!

- “In a library (physical or virtual), the right to privacy is the right to open inquiry without having the subject of one’s interest examined or scrutinized by others.”
 - ALA from “*An Interpretation of the Library Bill of Rights: Privacy*”

The Digital Age

- Changes *how* libraries do things
- Does not change the core of *what* libraries do

The Digital Age: Issues

- Filtering
- Library web sites and user privacy
- Patron data collection/control/use
 - By libraries
 - By ILL and/or back-up services
 - By service vendors
 - E-book, database, equipment
- Labels and Ratings

Filtering in Libraries

- Who has to filter?
 - Under CIPA, any library that receives LSTA or e-rate funding must:
 - Develop and implement “acceptable use” policies for their public access Internet service
 - Block obscene images, child pornography, images harmful to minors (for *minors* but not adults)

Filtering in Libraries

- What CIPA does not require
 - Filtering for any constitutionally protected text
 - For adults, filtering for images which are not legally obscene or child pornography
 - For children, anything other than images “harmful to minors”

Filtering in Libraries

- Supreme Court upheld CIPA
 - *United States v. American Library Association*, 539 U.S. 194 (2003)
 - In decision, Court noted that blocked sites can be unblocked at the request of adults with no need to state why the patron wishes to have access to that site
 - Filters can be turned off completely at an adult's request for any lawful purpose

Filtering in Libraries

- What actually happens
 - Almost all filtering systems “over filter” beyond the requirements of CIPA, including filtering text
 - Few librarians know what is being filtered, even in Maine (see MSLN)
 - Some librarians do not know how to unblock sites when requested, or feel they can demand justification

Filtering in Libraries

- Many filtering companies inject their values into the software, and keep blocked selection lists secret
- Filters often filter by “categories” which have nothing to do with CIPA, e.g., “tastelessness” in MSLN filtering system

Filtering in Libraries

- “...the American Library Association cannot recommend filtering”
- “The negative effects of content filters on Internet access in public libraries and schools are demonstrable and documented.”

- An Interpretation of the *Library Bill of Rights: Internet Filtering* (June 30, 2015)

Filtering in Libraries

- “Because adults and, to a lesser degree minors, have First Amendment rights, libraries and schools that choose to use content filters should implement policies and procedures that mitigate the negative effects of filtering to the greatest extent possible.”

- An Interpretation of the *Library Bill of Rights: Internet Filtering* (June 30, 2015)

Filtering in Libraries

- Best practice
 - Filtering decisions should be local and informed: filter as little as possible
 - Libraries that use software developed by others should understand how it works and modify settings locally
 - There should always be someone on duty who can disable filters upon requests from adults

Library Web Sites

- HTTPS use? If not, why not?
 - [https.letsencrypt.org](https://letsencrypt.org) (ALA supported)
- Encryption of Personally Identifiable Information (PII)?
- How much PII is requested?
- Where does it go? How is it used?
- Web security audits?
- Analytics and tracking? Advertising?

Library Web Sites

- **Best Practices**

- Use https
- Encrypt any PII provided by users
- Have a policy for posting comments keeping IF in mind
- Minimize use of analytics from outside providers (e.g., Google)
 - Patron info is all recorded - that's how we get it
- If accepting advertising, know advertisers' privacy policies

Patron Data in Libraries

- Libraries have valuable Personally Identifiable Information (PII) about their patrons
- Lots of players want such information
- Protecting patron PII is part of the trust patrons put in their libraries

Patron Data in Libraries

- Basic PII (on premise)
 - Names, addresses, other identifying information, some family relationships
- What patrons read
- What patrons are interested in (e.g., Readers Advisory)
- Other
 - Permissions slips, fine info, etc.

Patron Data in Libraries

- Basic PII (off premise)
 - Back-ups:
 - Where are they?
 - Who controls them, has access to them?
 - How long are they kept?
 - Links between patron and books usually broken when returned on-premise but how long do those patron-book link records survive as back-ups?
 - How are they protected?
 - What is privacy policy of storing entity?

Patron Data in Libraries

- What we collect to “better serve our patrons”
 - Data analytics
 - Web (e.g., Google Analytics)
 - In-house (e.g., event sign up sheets, computer use sheets)
 - Usage records
 - “Anonymized” - which means what? How done?
There is probably no such things as perfectly anonymized data

Patron Data in Libraries

- Best Practices

- “privacy is the right to open inquiry without having the subject of one’s interest examined or scrutinized by others.”
- That applies to libraries as well as others: *collect as little personal data as possible, and destroy what is collected when no longer needed*
- Make sure data is well protected

Libraries and E-books

- Privacy policies of vendors
 - Adobe example - Reader info in clear
 - Amazon example - take back books
- Tracking of patrons' reading
 - What is being read?
 - How much is being read?
 - How fast is it read?
 - What notes are made while reading?
 - What pages are bookmarked?

Libraries and E-books

- Does library know what is tracked?
- Does the library loan readers as well as books?
- Do patrons understand what is being collected about their reading?
 - Does the library educate patrons about E-book use?
 - Does the library ask if patrons opt-in to use conditions?

Libraries and Databases

- Database vendor privacy policies?
 - All the E-book stuff and more

Libraries and Vendors

- **Best Practices**

- Understand vendor privacy policies
- Work with other libraries to make vendor privacy policies coincide with libraries' privacy policies
- Educate patrons about vendor policies so they can make informed decisions about using vendor services in the library
- Suggest alternatives, e.g., Gutenberg, Librivox, Open Library

Labeling and Ratings

- “Libraries do not advocate the ideas found in their collections or in resources accessible through the library”
- “Labeling as an attempt to prejudice attitudes is a censor’s tool”
- “The American Library Association opposes labeling as a means of predisposing people’s attitudes toward library resources”

- An Interpretation of the *Library Bill of Rights: Labeling and Rating Systems* (July, 2014)

Labeling and Ratings

- “Viewpoint-neutral directional aids facilitate access” - they are fine
- ALA supports “the rights of individuals to form their own opinions about resources they choose to read or view”
 - An Interpretation of the *Library Bill of Rights: Labeling and Rating Systems* (July, 2014)

Labeling and Ratings

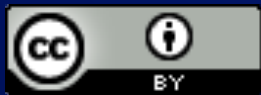
- Best practices
 - Use content-neutral labels if they are used at all
 - If materials come with ratings attached, do not remove them but do not support them
 - Do not use ratings in bibliographic records in the library catalog

A Final Word

- Patron trust is essential to the survival of libraries
- Privacy is a core component of Intellectual Freedom in libraries (and everywhere else)
- Think about doing a privacy audit in your library

A Few Resources

- Library Bill of Rights and ALA Code of Ethics
- One Privacy Audit approach: “[Libraries & Privacy in the Internet Age](http://acrl.ala.org/techconnect/post/category/privacy)” - <http://acrl.ala.org/techconnect/post/category/privacy>
- Library Privacy Guidelines for E-book Lending and Digital Content Vendors - <http://www.ala.org/advocacy/library-privacy-guidelines-e-book-lending-and-digital-content-vendors>
- MSLN Filtering Information: filter.networkmaine.net
- Labeling and Ratings Systems - <http://www.ala.org/advocacy/intfreedom/librarybill/interpretations/labelingrating>



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