

2020 Midwinter Meeting
IMPLEMENTATION REPORT
ON ALA COUNCIL ACTION!
TAKEN AT THE
2019 ANNUAL CONFERENCE
IN
WASHINGTON, DC

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

REPORT ON THE IMPLEMENTATION OF THE 2019 ANNUAL CONFERENCE CONCLUSIONS ACTION!

Document Number: 2019-01, Title: Document. ALA CD# 9&Revised) in Defense of the Free Internet

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to the &ural' <ative' and !ri al Li raries of All =inds Committee 6&<!L; A=7.

Re02' n0e. !he Adopted resolution 4as added to the ALA 4e site http://444.ala.org/about/annual32+*.

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I * 2-e* ent4ti' n A(ti' n. !he ALA Council ' the proposed changes to ALA Byla4s Article ((' \$ection 2

2. (nsertion of Aelectronic votingB

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Article ((. %eetings

!e(ti' n 5. Votes by Mail/ _____

- a. By petition of one percent of the personal voting mem ership' as certified y the Executive "irector' mem ership referenda shall e placed on the annual allot for a vote y mail:e-e(tr' ni(3' ting. A petition for a mem ership referenda must e filed 4ith the Executive "irector at least four months efore the annual conference.
- . !he Executive Board may authori?e votes y mail:e-e(tr' ni(3' ting of oth the Association and of the Council et4een meetings.
- c. #or votes y Council' fifty percent of the voting mem ership shall constitute a quorum and 4 * 4>' rit6 of those voting shall e required to carry.
- d. #or votes y the Association' t4enty3five percent of the voting mem ership shall constitute a quorum and a maority of those voting shall e required to carry.
- e. !he Executive Board shall have authority to set the time limit during 4hich votes 4ill e recorded ut if no such time limit is set no vote shall e counted unless received 4ithin thirty days from the day the text of the allot or question voted upon 4as mailed:e-e(tr' ni(3' ting&properly addressed' to those entitled to vote on the matter involved. (n the case of a vote y mail y the Association' the Executive Board may designate pu lication of the allot or

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 consists of.

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 cyber bullying, 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 librarians should educate youth about online activities that are appropriate for their maturity level without blocking access for others. Furthermore, librarians should advocate for implementing privacy-protecting policies and technology in libraries and educational institutions that 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

Revised Initiative 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

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 NIA 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.

- *. Article 1 of the Library Bill of Rights
- 2. Court opinions establishing a right to receive information in a public library include Board of Education v. Michigan, 42 E. 12, 6*, 1270; Reimer v. Board of Trustees of the City of Morristown, 21 #.2d *242 6. d Cir. *, , 270 and Reno v. American Civil Liberties Union, 521 U.S. 479, 117 S.Ct. 2329, 138 L.Ed.2d 1464, 57.
- .. In 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 14 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, 18 L.Ed.2d 592, 80 S.Ct. 1359, 1958 WL 1013; Lamont v. Postmaster General, 385 U.S. 1, 17 S.Ct. 413, 17 L.Ed.2d 353, 1966 WL 1013; and Stanley v. Georgia, 393 U.S. 540, 20 S.Ct. 263, 21 L.Ed.2d 340, 1969 WL 1013.
- 2. The phrase "personally identifiable information" was adopted by the ALA in 1996. See [ALA Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#).
- /. Article 1 of the Code of Ethics for Librarians, 1961, asserted that it is the librarian's obligation to treat as confidential any private information obtained through contact with library patrons. Article 4 of the current Code of Ethics of the American Library Association (2017) 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."
- E. National Information Standards Organization (ANSI) [Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software Provider Systems](#); [Privacy Principles](#); Principle 4 "Data Collection and Use" (Baltimore) National Information Standards Organization (ANSI) [Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software Provider Systems](#); [Privacy Principles](#); Principle 6 (2017)
- 1. [NIA Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software Provider Systems](#); [Privacy Principles](#); Principle 6 (2017)
- .. These principles drawn from the [European Union General Data Protection Regulation 2016/679](#) and reflected in other fair privacy practice principles such as the [Consensus Principles](#) (Baltimore) and the [National Information Standards Organization \(ANSI\) Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software Provider Systems](#).

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

- *. [Library Privacy Guidelines for Library Websites ; PACs and Discovery Systems](#) (Intellectual Freedom Committee June 24, 2012). A discovery service provides a single unified user interface to search across multiple resources such as library catalogs

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(nterpretation of the Library Bill of RightsB

(ntellectual freedom is the right of every individual to oth see5 and receive information from all points of vie4
4ithout restriction. Education and information literacy* are fundamental to the mission of li raries of all types
and form the foundation of intellectual freedom. Li raries provide access to information and ideas through their

Libraries and their governing bodies should look for alternative models and methods of administration that minimize distinctions among users based on their economic status. They should resist imposing user fees to alleviate financial pressures on the library as th

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!he fundamental mission of li raries is to provide access to information' regardless of content or format' to everyone. "igital resources and services' or resources and services made primarily availa le online or on digital devices' are integral to li rariesf mission in the t4enty3first century. Li raries are important points of access to many digital resources and services' including' ut not limited to' computers' the (nternet' and digital resources and tools. (n order to provide access to digital resources and services 4hile upholding the Library Bill of Rights' li raries must consider intellectual freedom principles and issues of equity to ensure that access to information

right. Libraries should provide library users the training and assistance necessary to find, evaluate, use, and create information effectively.

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

Equity of Access

The digital environment provides expanding opportunities for everyone to participate in the information society, but individuals may face serious barriers to access. These barriers, often referred to as the digital divide, may include a lack of infrastructure for (Internet connectivity, lack of tools (hardware or software) and lack of skills, knowledge, or means necessary to access digital resources.⁴ Libraries should be cognizant of the digital divide and work to minimize it as they provide access to digital resources for their communities.

Digital resources, services, training, and networks provided directly or indirectly by the library should be readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by libraries that receive support from public funds.² Libraries should develop policies concerning access to digital resources.¹ American Library Association (ALA) Policy Statement on Digital Resources, 2010. [http://www.ala.org/ala/digitalresources/policystatementondigitalresources.htm](#)

ALA Policy B.2.7. Evaluating Library Collections: An Interpretation of the Library Bill of Rights

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

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

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

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

Adopted February 2, 2011, by the ALA Council, amended July 2011, June 2012, 2013. Revisions proposed for ALA Annual Conference 2014. Adopted Monday, June 24th at the 2014, ALA Annual Conference in Washington, D.C.

Revised. Library Bill of Rights interpretation has been updated and available on the ALA website and will be included in the next edition of the Intellectual Freedom Manual.

The placement of the of the adopted language was inserted in ALA Policy B.2.7. Evaluating Library Collections: An Interpretation of the Library Bill of Rights; Id. per the Policy Monitoring Committee report 6

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

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

Libraries' explicit or implicit adoption' enforcement' or endorsement of any of these rating systems violates the Library Bill of Rights and may be unconstitutional if used to prevent an individual's access to materials or resources. (f enforcement of rating systems is mand

- *. [Expurgation of Library Resources: An Interpretation of the Library Bill of Rights](#) adopted February 27, 1966 by the ALA Council, amended July 1, 1970, January 1, 1975, July 22, 1980 and July 24, 1984.
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