

TO: ALA Council

DATE: 6/13/2025

RE: (select one)

☒ ACTION REQUESTED

☐ INFORMATION

☒ REPORT

ACTION REQUESTED/INFORMATION/REPORT: (add below)

Report: ALA Intellectual Freedom Committee (ALA CD#19.2)

Action requested from Councilors is to cast their vote to: (if applicable)

- Approval of *Economic Barriers to Library Access: An Interpretation of the Library Bill of Rights (APPENDIX #7)*
- Approval of *Access to Resources and Services in the School Library: An Interpretation of the Library Bill of Rights (APPENDIX #13)*
- Approval of the following block of draft Interpretations:
  - *Censorship by Altering Library Resources: An Interpretation of the Library Bill of Rights (APPENDIX #15)*
  - *Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights (APPENDIX #16)*
  - *Internet Filtering: An Interpretation of the Library Bill of Rights (APPENDIX #17)*
  - *Library Access and Representation for All Sexes, Gender Identities and Expressions, and Sexual Orientations: An Interpretation of the Library Bill of Rights (APPENDIX #18)*
  - *Library-Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights (APPENDIX #19)*
  - *Meeting Rooms: An Interpretation of the Library Bill of Rights (APPENDIX #20)*

- o *Minors and Online Activity: An Interpretation of the Library Bill of Rights (APPENDIX #21)*
- o *Politics in American Libraries: An Interpretation of the Library Bill of Rights (APPENDIX #22)*
- o *Privacy: An Interpretation of the Library Bill of Rights (APPENDIX #23)*
- o *Religion in American Libraries: An Interpretation of the Library Bill of Rights (APPENDIX #24)*
- o *Services to People with Disabilities: An Interpretation of the Library Bill of Rights (APPENDIX #25)*
- o *User-Generated Content in Library Discovery Layers: An Interpretation of the Library Bill of Rights (APPENDIX #26)*

ACTION REQUESTED BY: (add committee name)

The Intellectual Freedom Committee

CONTACT PERSON: (add chair information)

Ray James

Chair, Intellectual Freedom Committee

STAFF LIAISON CONTACT:

Deborah Caldwell-Stone

Director, Office for Intellectual Freedom

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BACKGROUND: (add information)

**ALA INTELLECTUAL FREEDOM COMMITTEE**  
**REPORT TO COUNCIL**  
**2025 Annual Conference**  
**Philadelphia, Pennsylvania**

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities since the ALA's LLX Meeting held in Phoenix, Arizona in January 2025:

Our main focus has been to complete review of the Interpretations and review of any other documents requiring Council approval. The Committee has reviewed all such documents and drafted updates or new language where needed. Those drafts were shared with all Divisions, Roundtables, and Committees for comment. In several instances the returned comments led to new drafts which were shared with the Divisions, Roundtables, and Committees again. The drafts to be presented to Council are, for the most part, the conclusion of that work. The Working Groups for each document met asynchronously and in Zoom meetings. The Committee met monthly and more frequently, as needed, to get the work done.

Committee members also worked with ALA individuals and those outside ALA on intellectual freedom issues.

**IFC PRIVACY SUBCOMMITTEE**

Since January 2025, The ALA Intellectual Freedom Committee's Privacy Subcommittee has been holding monthly meetings via Zoom, along with utilizing ALA Connect for asynchronous discussion and coordination. Per our charge, we monitored ongoing privacy developments, discussing topics like reform of the Privacy Act, personal information in self-service holds, and privacy pods in libraries .

We completed our review of the privacy sections of the ALA website across 24 web pages, and we identified 66 broken links, outdated information, and statements needing revision for clarity of content. Members of the subcommittee have also participated in helping to revise and review Privacy: An Interpretation of the Library Bill of Rights for the new edition of the ALA Intellectual Freedom Manual. In response to a request from the IFC, a guidance document on the privacy rights of book challengers in public libraries was created by the subcommittee and published on the OIF blog.

The subcommittee chair will be moderating a panel at ALA Annual 2025 on the privacy rights of minors in libraries and attended the National Forum for Privacy Literacy Standards and Competencies in March 2025. Work on publishing the findings and proceedings of that event is ongoing.

## **BOOK CHALLENGES AND CENSORSHIP**

The Office for Intellectual Freedom continues to receive reports about actual or attempted efforts to restrict or remove books, cancel programming, or end access to other library resources in schools and public libraries. From September 1, 2024, through May 31, 2025, librarians, educators, and members of the public reported 724 attempts to ban or restrict library resources to the Office for Intellectual Freedom. 538 of these challenges demanded removal of 4,411 books from school and public libraries, with 2,381 of those books representing unique titles targeted for censorship.

Most challenged and censored books targeted by censors remain titles that include content, themes or characters reflecting LGBTQIA+ and BIPOC identities, or that were written by LGBTQIA and BIPOC authors. During the third quarter of FY25, two-thirds (67%) of challenged books were challenged for LGBTQIA, BIPOC, and EDI content.

The Office for Intellectual Freedom continues to track and respond to the threats of violence, loss of employment, or criminal prosecution, offering targeted library staff direct, confidential support when requested. During this school year, OIF has documented 27 incidents of threats and harassment directed at library workers.

Documenting book challenges, censorship, and incidents of harassment and discrimination provides essential data for research, advocacy, and policy development that supports intellectual freedom. All ALA members are urged to report censorship to the Office for Intellectual Freedom and share documentation of library censorship whenever possible. Reports are confidential and can be sent to [oif@ala.org](mailto:oif@ala.org)

## **OFFICE FOR INTELLECTUAL FREEDOM**

The Office for Intellectual Freedom continues to prioritize confidential support for library workers, school librarians, and community members addressing book bans and other challenges in their communities, while engaging in advocacy and educational activities that respond to members' requests and uphold ALA's core values of intellectual freedom and privacy.

WRITERS' WORKSHOPS: To address members' need for self-care and reflection during this time of unprecedented challenges and stress, OIF will continue to partner with the Writers Guild Initiative (WGI) to sponsor writers' workshops that pair librarians with established film and television writers. The goal for WGI and OIF is to provide opportunities for the selected library staff to reflect on their experiences, share insights, identify a path forward, and make their voices heard.

The writers' workshops are administered through the WGI's Helen Deutsch Writing Workshops initiative and supported by a grant from the Freedom to Read Foundation. Each workshop cohort is led by mentors who are accomplished professional writers who have innovative teaching styles

and are exceptionally skilled at their craft. They include Pulitzer prize-winners, Emmy and Peabody award winners, and MacArthur and Guggenheim fellows.

The first writer's workshop sessions were held on Saturdays in February and March of 2025. Twenty-five library workers were partnered with writers who led them in guided writing exercises and workshop sessions. Several of the pieces produced in this workshop were performed by actors at the Writers Guild Initiative Gala in New York City on April 7.

The initial workshops were very popular among ALA members. Over 200 library workers signed up for an opportunity to participate. We plan to continue offering workshops in partnership with WGI in order to provide writing opportunities to more library workers.

LAW FOR LIBRARIANS / LAWYERS FOR LIBRARIES: The Law for Librarians initiative is continuing to empower librarians across the country to teach people about legal issues that impact libraries. They have taught hundreds of library workers, educators, friends of libraries, boards of trustees, lawyers, and other people who work with libraries about First Amendment, copyright, privacy, and other issues related to library policies and library responses to community needs. Eighty-nine library workers from forty-five states have conducted over one hundred and fifty training events in their home states and communities. They have also collaborated to present at national and state library association conferences and educational programs. OIF has been offering L4L-themed continuing education sessions on a monthly basis for ALA members as part of the Law for Librarians program.

Lawyers for Libraries conducted its first Continuing Legal Education (CLE) program in partnership with the American Bar Association. *Representing Libraries and the First Amendment: Government Speech, Public Forums, and the Right to Read* was attended by over 100 lawyers and is recorded and available as part of the American Bar Association's Rule of Law in America CLE series.

OIF is preparing to create online teaching modules for a second cohort and has already had many requests to participate from library workers from numerous states. These modules will be created in cooperation with ALA's continuing education team. OIF is also planning more CLE events, potentially in partnership with First Amendment law clinics, the American Bar Association, and other CLE providers. Due to funding issues related to IMLS uncertainties, we have scaled back on some of our goals and are evaluating alternative low-cost and no-cost options for our work.

EMERGING LEADERS: In partnership with the Intellectual Freedom Roundtable, the Office for Intellectual Freedom sponsored Team F of the 2025 cohort of ALA Emerging Leaders, who developed a survey to evaluate the current state of intellectual freedom education across ALA and American Association of School Librarians (AASL)-accredited library science programs. Its

members included Tristan Draper, Victoria Freeny, CJ Garcia, Claire Kelley, and Ameriki Somers. IFRT member leader Cynthia Dudenhoffer provided guidance and advice to the members of the team. Team F will present their poster project, “Intellectual Freedom Education In Ala/AASL–Accredited Programs,” at the ALA Annual Meeting in Philadelphia.

**INTELLECTUAL FREEDOM HELPLINES:** Five recipients of the State Intellectual Freedom Helpline grants have launched or are preparing to launch state-level challenge support programs, and the remaining recipients are making significant progress in starting their programs. The initiative seeks to support a pilot program to establish state and regional challenge support and confidential reporting system that will help connect those experiencing censorship attempts with peer support, with referral to ALA OIF as appropriate. IF helpline leaders will gather during ALA Annual and will be distributing promotional materials from state helplines at panels and meetings that will include one-sheets on a variety of current intellectual freedom issues. The IF Helpline leaders will also present a panel session at AASL to explain the program and discuss their work.

## **REVIEW OF INTERPRETATIONS OF THE LIBRARY BILL OF RIGHTS**

Since last September, the members and liaisons of the Intellectual Freedom Committee have been reviewing Interpretations of the Library Bill of Rights in preparation for the publication of the eleventh edition of the Intellectual Freedom Manual. In October, the committee formed working groups to revise the interpretations deemed to be in most need of review and revision.

As each working group completed a draft revision of an interpretation, the IFC reviewed and approved the draft. Once the Intellectual Freedom Committee approved the draft revision, the revision was circulated to all divisions, roundtables, and committees, with a request for review and input.

The IFC then addressed any concerns and suggestions for change before submitting the revised interpretations to Council for final approval.

**The review and revision of the following Interpretations and policy documents are currently in progress:**

- Access to Resources and Services in the School Library
- Economic Barriers to Library Access  
*(proposed revised title, current title is Economic Barriers to Information Access)*
- Censorship by Altering Library Resources  
*(proposed revised title; current title is Expurgation of Library Resources)*
- Intellectual Freedom Principles for Academic Libraries
- Internet Filtering

- Library Access and Representation for All Sexes, Gender Identities and Expressions, and Sexual Orientations (*proposed revised title*)
- Library-Initiated Programs as a Resource  
(*proposed revised title; current title is Library-Initiated Programs and Displays as a Resource*)
- Meeting Rooms
- Minors and Online Activity
- Politics in American Libraries
- Privacy
- Religion in American Libraries
- Services to People with Disabilities
- User-Generated Content in Library Discovery Layers  
(*proposed revised title; current title is User-Generated Content in Library Discovery Systems*)

ALA Council has approved the following 13 Interpretations and policies to date:

- Access to Digital Resources and Services
- Access to Library Resources and Services for Minors
- Challenged Resources
- Diverse and Inclusive Collections
- Education and Information Literacy
- Equity, Diversity, Inclusion, and Belonging
- Exhibits, Displays, and Bulletin Boards
- Labeling and Rating Systems
- Policy on Government Intimidation
- Prisoners' Right to Read
- Restricted Access to Library Materials
- The Universal Right to Free Expression
- Visual and Performing Arts in Libraries

The review and revision of the following existing Interpretations are completed and are submitted as action items for Council's approval.

Two postponed Interpretations from the ALA Council's May 29, 2025 special virtual meeting as revised:

- Economic Barriers to Library Access: An Interpretation of the Library Bill of Rights (Updated policy and proposed revised title, APPENDIX #7)
- Access to Resources and Services in the School Library: An Interpretation of the Library Bill of Rights (APPENDIX #13)

Twelve revised Interpretations:

- Censorship by Altering Library Resources: An Interpretation of the Library Bill of Rights (Updated Interpretation and proposed revised title. The current title is Expurgation of Library Resources - APPENDIX #15)
- Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #16)
- Internet Filtering: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #17)
- Library Access and Representation for All Sexes, Gender Identities and Expressions, and Sexual Orientations: An Interpretation of the Library Bill of Rights (Updated Interpretation and proposed revised title. The current title is Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation - APPENDIX #18)
- Library-Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights (Updated Interpretation and proposed revised title. The current title is Library-Initiated Programs and Displays as a Resource - APPENDIX #19)
- Meeting Rooms: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #20)
- Minors and Online Activity: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #21)
- Politics in American Libraries: An Interpretation of the Library Bill of Rights (Updated Privacy: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #22)



- Privacy: An Interpretation of the Library Bill of Rights- (Updated Interpretation - APPENDIX #23)
- Religion in American Libraries: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #24)
- Services to People with Disabilities: An Interpretation of the Library Bill of Rights (Updated Interpretation - APPENDIX #25)
- User-Generated Content in Library Discovery Layers: An Interpretation of the Library Bill of Rights (Updated Interpretation and proposed revised title current title is User-Generated Content in Library Discovery Systems - APPENDIX #26)

In closing, the Intellectual Freedom Committee would like to acknowledge and thank the unit liaisons for their commitment and contributions and also thanks the OIF staff for their commitment, assistance, and hard work, with particular thanks to Aimee Strittmatter for supporting the work of the committee.

Respectfully Submitted,

**ALA Intellectual Freedom Committee**

E. Ray James, Chair

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Johannah Genett

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Sarah Lynn Houghton

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Amanda Jones, Committee Associate

Brigette Kamsler, Committee Associate; Glen Benedict, Chair, IFC Privacy Subcommittee

## ***APPENDIX #7***

### **CURRENT INTERPRETATION**

#### **Economic Barriers to Information Access**

The essential mission of a publicly funded library is to provide free, equal, and equitable access to information in all its forms. While the roles, goals, and objectives of publicly supported libraries may differ, they all share this common mission. Just as economic issues may challenge the library’s ability to meet its mission, economic barriers may also threaten user access.

Those who work in libraries and serve on their governing bodies sometimes face economic pressures and competition for funding but must remain committed to the library’s essential mission. To sustain this mission, the American Library Association has enumerated certain principles of library services in the *Library Bill of Rights* and associated policy statements.

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 American Library Association fundamentally opposes the creation of economic barriers to access services and resources provided by publicly funded libraries, including public, school, and academic libraries. All resources provided directly or indirectly by the library, regardless of format or method of delivery, should be readily and equitably accessible to all library users. Imposing any financial barrier may disadvantage users, and libraries of all types—public, school, and academic—should consider eliminating barriers that limit access to library resources and other services.

Libraries should systematically monitor their programs and services for potential barriers to access and strive to eliminate them when they occur. Libraries should design and implement services with care so as not to infringe upon access to or delivery of information and resources for all users. Services should be reevaluated regularly to ensure that the library’s essential mission remains uncompromised.

The “[Resolution on Monetary Library Fines as a Form of Social Inequity](#)” states that monetary library fines create a barrier to the provision of library and information services.<sup>1</sup> Libraries should examine policies and procedures, particularly those involving fines, fees, or other user charges, and actively move toward eliminating any that may create potential barriers to access or academic achievement. If a library has a policy to charge a user for lost, stolen, or willfully damaged materials or property, it should consider waiving or reducing the cost, at its discretion, based on that user’s ability to pay. Likewise the library

should consider a user's ability to pay when it charges a flat annual fee for borrowing privileges to people living outside the tax-support area of the library.

Economic barriers are not limited solely to financial constraints and a user's ability to pay fines or fees. Many policies and procedures may disproportionately harm those having financial difficulties, experiencing homelessness, or those from marginalized communities. These policies may include those related to personal belongings, hygiene requirements, verification of a permanent address, access to an email account or computer. Such policies and procedures effectively abridge or deny access for some members of the community because they reinforce distinctions among users.

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 those fees may impose a long-term cost to institutional integrity and public confidence in libraries. Likewise, they should not enact policies that cater to the desires of the economically fortunate at the expense of the economically unfortunate.

The American Library Association opposes any legislative or regulatory attempt to impose content restrictions on library resources or to limit user access to resources or services as a condition of funding publicly supported libraries and information services.

Libraries and their governing bodies should carefully examine terms or conditions attached to library funding and should oppose conditions that might limit full and equal access to content. This principle applies equally to private gifts or bequests and to public funds. In particular, libraries and their governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit equal and equitable access to information.

Libraries and their governing bodies should cooperate with efforts to create a community consensus that publicly supported libraries require funding unfettered by conditions that limit full and equal access to content. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas.

<sup>1</sup> ["Resolution on Monetary Library Fines as a Form of Social Inequity,"](#) adopted by ALA Council January 28, 2019.

Adopted June 30, 1993, by the ALA Council and amended June 25, 2019.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Economic Barriers to Library Access: An Interpretation of the Library Bill of Rights”**

**Economic Barriers to Library Access**

The core mission of most libraries, and particularly publicly funded libraries, is to provide free, equal, and equitable access to all types of information. While libraries may have different roles, goals, and objectives, this mission is shared by all. Economic challenges can affect a library’s ability to fulfill this mission and can also create barriers for individual users.

Libraries and their governing bodies sometimes face economic pressure and competition for funding. Even so, they must remain committed to the library’s core mission. To support this mission, the American Library Association (ALA) offers guidance in the *Library Bill of Rights* and related policies. In particular, 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 ALA opposes economic barriers for access to services and resources in all publicly funded libraries. All library resources should be accessible to all users, regardless of format or delivery method. This ensures equitable access for everyone. Libraries should not impose any financial barriers that may disadvantage users. Libraries of all types should eliminate barriers that limit access to library resources and services.

Libraries should thoughtfully design services to deliver information and resources equitably to all users. They should regularly review these services to ensure that the library’s core mission stays intact.

The “Resolution on Monetary Library Fines as a Form of Social Inequity” states that fines create a barrier to accessing library services.<sup>1</sup> Libraries should review policies and procedures related to fines, fees, or other user charges.

Libraries should work to remove any policies that create barriers to access or academic success. They should also consider waiving or reducing fees for individuals based on their ability to pay. This may include fees for:

- lost or damaged items;
- borrowing fees for non-residents; or
- program participation.

Economic barriers go beyond a user’s ability to pay fines or fees. Many policies and procedures unfairly harm people who:

- are struggling financially;
- are experiencing homelessness; or
- come from marginalized communities.

Examples of such policies include those about:

- personal belongings;

- hygiene requirements;
- verifying a permanent address; and
- accessing an email account, phone number, or computer.

These policies can restrict or deny access for some community members by singling out certain users and reinforcing inequalities.

Libraries and their governing bodies should find other ways to reduce differences between users based on economic status. They should resist charging user fees to address financial pressures, as these can harm public trust and the library's integrity. Policies should not favor those who are economically fortunate at the expense of those who are not.

The ALA opposes any laws or regulations that impose content restrictions on library resources as a condition of funding. It also opposes efforts to limit user access to resources or services tied to funding for publicly supported libraries.

Libraries and their governing bodies should review all terms and conditions attached to funding or gifts, whether from public or private sources. They should reject any conditions that limit equal or equitable access to content. They should also work to build community agreement that libraries require funding free from conditions that limit equal or equitable access to content. Such an agreement supports the library's mission of providing free and open exchange of information and ideas.

#### **NOTE**

1. "Resolution on Monetary Library Fines as a Form of Social Inequity," adopted January 28, 2019, by the ALA Council.

## APPENDIX #13

### CURRENT INTERPRETATION

#### **Access to Resources and Services in the School Library**

The school library plays a unique role in promoting, protecting, and educating about intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem-solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shape the resources and services of a school library, the principles of the American Library Association's *Library Bill of Rights* apply equally to all libraries, including school libraries. Under these principles, all students have equitable access to library facilities, resources, and instructional programs.

School librarians assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School librarians work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Intellectual freedom is fostered by educating students in the use of critical thinking skills to empower them to pursue free inquiry responsibly and independently. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School librarians cooperate with other individuals in building collections of resources that meet the needs as well as the developmental and maturity levels of students. These collections provide resources that support the mission of the school district and are consistent with its philosophy, goals, and objectives. Resources in school library collections are an integral component of the curriculum and represent diverse points of view on both current and historical issues. These resources include materials that support the intellectual growth, personal development, individual interests, and recreational needs of students.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equitable access to resources and services, the school library provides resources that reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School librarians resist efforts by individuals or groups to define what is appropriate for all students or teachers to read, view, hear, or access regardless of technology, formats or method of delivery.

Major barriers between students and resources include but are not limited to: imposing age, grade-level, or reading-level restrictions on the use of resources; limiting the use of interlibrary loan and access to electronic information; charging fees for information in specific formats; requiring permission from parents or teachers; establishing restricted shelves or closed collections; and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

It is the responsibility of the governing board to adopt policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. It is the responsibility of school librarians to implement district policies and procedures in the school to ensure equitable access to resources and services for all students.

Adopted July 2, 1986, by the ALA Council; amended January 10, 1990; July 12, 2000; January 19, 2005; July 2, 2008; and July 1, 2014.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Access to Resources and Services in the School Library: An Interpretation of the Library Bill of Rights”**

**Access to Resources and Services in the School Library**

School libraries are dynamic learning environments. They bridge the gap between access and opportunity for all learners. The American Library Association’s Library Bill of Rights applies to all school libraries. This means every student should have equitable access to the library’s facilities, resources, and programs. School libraries play a crucial role in supporting learners’ freedom to explore and learn about different ideas. School libraries should be staffed by full-time certified librarians. School librarians play a crucial role in the ongoing process of selecting, acquiring, evaluating, and deselecting library materials. They do this to ensure the collection meets the diverse needs of learners and supports their intellectual freedom rights. School librarians consider curriculum requirements, learner interests, and community needs.

School libraries ensure that students of all abilities can fully participate in their education. They do this by integrating adaptive technologies and digital resources into the curriculum and classrooms in collaboration with teachers. This inclusive approach makes sure everyone can join in discussions, a vital part of a democracy. It also ensures that every student has equitable access to information.

School librarians ensure access for all learners by including resources in different languages, not just English. When choosing materials, school librarians should consider the languages of learners in their community. These resources assist learners who are learning English and allows all learners to see and learn about different languages.

School librarians choose materials that meet the needs and maturity levels of the learners. These resources:

- support the school’s goals and curriculum;
- offer a variety of viewpoints on both current and historical issues, including those considered controversial;
- foster intellectual growth and personal development; and
- meet learners’ recreational reading needs.

By providing these resources, school librarians support lifelong learning for all students.

School librarians select materials that support the curriculum and independent reading. They do this without letting personal beliefs or biases get in the way. The goal is to provide access to resources and services without restrictions imposed by personal beliefs or group opinions. Common barriers that prevent students from accessing resources in school libraries include:

- age- or grade-level restrictions
- limitations on interlibrary loans



School library policies should remove any barriers and support free and open access to information. School librarians recognize that every parent reserves the right to guide what their learner reads and to select instructional resources that support their family's unique set of views and opinions but this right to exercise control extends only to their own learner.

The role of school librarians extends beyond the library walls. They provide transformational leadership that prepares students to excel in a complex, interconnected world. School boards are responsible for supporting these roles. They do this by creating policies that:

- ensure students can access a wide range of ideas;
- foster a well-rounded educational experience; and
- prepare students for lifelong success.

Policies should include how to handle concerns about library resources in a fair and timely manner and should include a certified school librarian in the review process for challenged materials. The review process should be guided by professional standards and educational relevance, not by partisan or doctrinal viewpoints. School librarians should implement these policies to make sure all students have equitable access to the library's resources and services.

## ***APPENDIX #15***

### **CURRENT INTERPRETATION**

#### **Expurgation of Library Resources**

Expurgating library resources is a violation of the American Library Association's *Library Bill of Rights*. Expurgation as defined by this Interpretation includes any deletion, excision, alteration, editing, or obliteration of any part of a library resource by administrators, employees, governing authorities, parent institutions (if any), or third party vendors when done for the purposes of censorship. Such action stands in violation of Articles I, II, and III of the *Library Bill of Rights*, which state that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation denies access to the complete work and the entire spectrum of ideas that the work is intended to express. This is censorship. Expurgation based on the premise that certain portions of a work may be harmful to minors is equally a violation of the *Library Bill of Rights*.

Expurgation without permission from the rights holder may violate the copyright provisions of the United States Code.

The decision of rights holders to alter or expurgate future versions of a work does not impose a duty on librarians to alter or expurgate earlier versions of a work. Librarians should resist such requests in the interest of historical preservation and opposition to censorship. Furthermore, librarians oppose expurgation of resources available through licensed collections. Expurgation of any library resource imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Adopted February 2, 1973, by the ALA Council; amended July 1, 1981; January 10, 1990; July 2, 2008; and July 1, 2014.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Censorship by Altering Library Resources: An Interpretation of the Library Bill of Rights”**

**Censorship by Altering Library Resources**

Altering library resources by deleting, editing, or removing content for the purpose of censorship violates the *Library Bill of Rights*.

**Who might alter library resources for the purpose of censorship?**

Resources might be altered by:

- employees;
- administrators;
- governing authorities;
- parent institutions (if any);
- third-party vendors; or
- library users.

**What are some examples of altering library resources for the purpose of censorship?**

- obscuring words, passages, or images in physical or digital resources;
- removing or gluing together pages;
- altering displays based on user complaints;
- adding commentary in the margins; or
- publishing a version of a material with changed language, without the approval of the creator.

**Why is altering resources for the purpose of censorship harmful?**

- **It denies access to the full work.** Censorship removes or edits parts of a work, denying access to the full range of ideas it expresses.
- **It violates intellectual freedom.** Suppressing information—especially under the belief that it is harmful to minors—goes against the *Library Bill of Rights*.
- **It may violate copyright law.** Altering a work without permission from the rights holder can breach U.S. copyright law.

**Preserving Original Works**

Library workers do not have to remove or edit earlier versions of a work just because a rights holder decides to change future versions. In some cases, original versions of a work should be retained in order to preserve historical copies and prevent censorship. This should not interfere with a library’s regular collection maintenance and efforts to keep collections accurate and up to date, according to the library’s purpose.

Library workers should oppose altering resources in licensed collections. Any alteration of library resources limits access to ideas and information. This disregards users’ right to experience works in their original form.

## ***APPENDIX #16***

### **CURRENT INTERPRETATION**

#### **Academic Freedom Principles for Academic Libraries**

A strong intellectual freedom perspective is critical to the development of academic library collections, services, and instruction that dispassionately meets the education and research needs of a college or university community. The purpose of this statement is to outline how and where intellectual freedom principles fit into an academic library setting, thereby raising consciousness of the intellectual freedom context within which academic librarians work. The following principles should be reflected in all relevant library policy documents.

1. The general principles set forth in the [\*Library Bill of Rights\*](#) form an indispensable framework for building collections, services, and policies that serve the entire academic community.
2. The privacy of library users is and must be inviolable. Policies should be in place that maintain confidentiality of library borrowing records and of other information relating to personal use of library information and services.
3. The development of library collections in support of an institution's instruction and research programs should transcend the personal values of the selector. In the interests of research and learning, it is essential that collections contain materials representing a variety of perspectives on subjects that may be considered controversial.
4. Preservation and replacement efforts should ensure that balance in library materials is maintained and that controversial materials are not removed from the collections through theft, loss, mutilation, or normal wear and tear. There should be alertness to efforts by special interest groups to bias a collection through systematic theft or mutilation.
5. Licensing agreements should be consistent with the *Library Bill of Rights*, and should maximize access.
6. Open and unfiltered access to the Internet should be conveniently available to the academic community in a college or university library. Content filtering devices and content-based restrictions are a contradiction of the academic library mission to further research and learning through exposure to the broadest possible range of ideas and information. Such restrictions are a fundamental violation of intellectual freedom in academic libraries.
7. Freedom of information and of creative expression should be reflected in library exhibits and in all relevant library policy documents.
8. Library meeting rooms, research carrels, exhibit spaces, and other facilities should be available to the academic community regardless of research being pursued or subject being discussed. Any restrictions made necessary because of limited availability of space should be based on need, as reflected in library policy, rather than on content of research or discussion.
9. Whenever possible, library services should be available without charge in order to encourage inquiry. Where charges are necessary, a free or low-cost alternative (e.g., downloading to disc rather than printing) should be available when possible.

10. A service philosophy should be promoted that affords equal access to information for all in the academic community with no discrimination on the basis of race, age, values, gender, sexual orientation, gender identity, cultural or ethnic background, physical, sensory, cognitive or learning disability, economic status, religious beliefs, or views.
11. A procedure ensuring due process should be in place to deal with requests by those within and outside the academic community for removal or addition of library resources, exhibits, or services.
12. It is recommended that this statement of principle be endorsed by appropriate institutional governing bodies, including the faculty senate or similar instrument of faculty governance.

Approved by ACRL Board of Directors: June 29, 1999 and adopted July 12, 2000 by the ALA Council; and amended on July 1, 2014.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights”**

**Intellectual Freedom Principles for Academic Libraries**

Academic libraries must prioritize intellectual freedom when developing collections, services, and instruction. This supports efforts to ensure that information and resources are provided fairly and without bias or restriction, supporting education and research.

This interpretation explains how intellectual freedom applies to academic libraries. These principles should be included in all relevant library policies.

1. **Follow the *Library Bill of Rights*.** The principles in the *Library Bill of Rights* provide a crucial foundation for building collections, services, and policies for the entire academic community.
2. **Protect library users’ privacy.** Libraries should have policies to minimize collection and retention of borrowing records and other personal use information, and to keep that information confidential.
3. **Build diverse, unbiased collections.** Library collections should support the institution’s instruction and research programs. Personal values should not influence what is selected. Collections must include diverse perspectives, even on controversial topics.
4. **Preserve and replace materials fairly.** Libraries should maintain a balanced collection. Materials may be removed from the collection for a variety of reasons, including withdrawal, routine wear and tear, theft, or damage. Particular care may be needed with controversial materials which may be targeted by individuals or groups based on ideology. Library workers should take a thoughtful and intentional approach to maintaining the collection, considering all forms of material loss or removal.
5. **Ensure licensing agreements uphold access.** Licensing agreements should align with the *Library Bill of Rights* and maximize access.
6. **Provide open internet access.** Academic libraries should provide easy access to an open, unfiltered internet. Content filtering and restrictions go against the library’s mission to offer a wide range of information for research and learning. These limits violate intellectual freedom.
7. **Support free expression.** Library policies and exhibits should support freedom of information and creative expression.
8. **Make library spaces available to all.** Library spaces should be available to all academic users, regardless of their research topic or discussion subject. Any restrictions should be based on space availability, not content, and should follow library policy. Restrictions on access may be required by local, state, or federal law. Spaces include:
  - meeting rooms;
  - research carrels;

- exhibit spaces; and
  - other facilities.
9. **Minimize service fees.** Library services should be free whenever possible. If a fee is required, a free or low-cost alternative should be provided.
10. **Guarantee equal access to information.** Library services should ensure equal access to information for all in the academic community. No one should face discrimination based on:
- race;
  - age;
  - values;
  - gender or gender identity;
  - sexual orientation;
  - cultural or ethnic background;
  - physical, sensory, cognitive, or learning disability;
  - economic status;
  - religious beliefs; or
  - views.
11. **Establish a fair collection development policy and reconsideration process.** Libraries should have a clear, fair process for handling all requests to remove or add resources, exhibits, or services. This process should prioritize the research and academic needs of users inside and outside of the institution.
12. **Seek institutional endorsement.** Institutional governing bodies, such as the faculty senate, should endorse these statements.

## *APPENDIX #17*

### CURRENT INTERPRETATION

#### **Internet Filtering**

In the span of a single generation, the Internet has revolutionized the basic functions and operations of libraries and schools and expanded exponentially both the opportunities and challenges these institutions face in serving their users. During this time many schools and libraries in the United States have installed content filters on their Internet access. They have done so for a variety of reasons, not least of which is the requirement to comply with the Children's Internet Protection Act (CIPA) in order to be eligible to receive federal funding or discounts through the Library Services and Technology Act, Title III of the Elementary and Secondary Education Act, and the Universal Service discount program (E-rate), or to comply with state filtering requirements that may also be tied to state funding. Their rationale for filtering is that it is better to have filtered access than no access.

CIPA specifically requires public libraries and schools seeking e-rate discounts for internet connections to install technology protection measures, i.e., content filters, to block two categories of visual images that are unprotected by the First Amendment: obscene images and images of child pornography. These are categories of images the Supreme Court has consistently ruled outside the constitutional protection of the First Amendment. CIPA also requires those libraries and schools to block a third category of images for minors under the age of 17 that courts deem "harmful for minors" that are constitutionally protected for adults but not for minors. CIPA does not require libraries and schools to block any other constitutionally protected categories of images, or any constitutionally protected categories of speech.

Research demonstrates that filters consistently both over- and underblock the content they claim to filter. Filters often block adults and minors from access to a wide range of constitutionally protected speech. Content filters are unreliable because computer code and algorithms are still unable to adequately interpret, assess, and categorize the complexities of human communication whether expressed in text or image. In the case of websites containing sexually explicit images, the success rate of filters is frequently no greater than chance. In addition, the use of content filters cedes vital library and school resource and service decisions to external parties (private companies and contractors) who then exercise unknown and unaccountable influence over basic functions of the library or school and users' access to library or school resources and services.<sup>1</sup> In addition to this research, the experience of librarians and educators working within the constraints of CIPA suggests that filters are unreliable and routinely circumvented by technologically adept users.

Most content filters are designed and marketed for a much larger market than libraries and schools, and offer options for filtering wide categories of protected speech such as objectionable language, violence, and unpopular or controversial opinion, as well as entire categories of Internet-based services such as e-mail and social media. In addition many content filters operate on an "opt out" model where the filter defaults "on" unless the user is given the option to shut it off. Categories frequently are set to default to the most stringent settings and may only be adjusted by administrative intervention.

Unblocking for adults on request was a key factor in the Supreme Court decision to uphold CIPA in public libraries.<sup>2</sup> This has proved to be equivocal in actual practice in some libraries, because of the unwillingness or inability of libraries to unblock when requested, especially when system administrators may be outside of library administrative control. While some filtering systems allow librarians at the local or end user level to modify the filter settings, others restrict that authorization to the highest



administrative levels, creating lengthy delays in the processing of user requests to unblock erroneously filtered content.

This same situation also occurs in schools. Such delays represent de facto blocking for both library users and K-12 students, because most users rarely have the flexibility or time to wait hours or even days for resources to become available. This dilemma is exacerbated by the secrecy surrounding category definitions and settings maintained by the filtering industry, frequently under the guise of trade secrets. There are also issues of user privacy when users must identify themselves and their interests when asking for specific websites to be unblocked. Certainly, both adults and students researching highly personal or controversial topics will be reluctant to subject themselves to administrative review in order to have access to information that should be freely available to them.

In schools, the CIPA requirements have frequently been misinterpreted with the result of overly restrictive filtering that blocks many constitutionally protected images and texts. Educators are unable to use the wealth of Internet resources for instruction, and minor students are blocked from content relevant to their school assignments and personal interests. Interactive websites and social media sites are frequently restricted, and are thus unavailable to educators for developing assignments that teach students to live and work in the global digital environment. In many cases students are prevented from creating and sharing their documents, videos, graphics, music and other original content with classmates or the wider world; thus valuable learning opportunities are lost. These situations occur in schools when librarians, educators and educational considerations are excluded from the development and implementation of appropriate, least-restrictive filtering policies and procedures. Minor students, and the librarians and educators who are responsible for their learning experience, should not be blocked from accessing websites or web-based services that provide constitutionally protected content that meets educational needs or personal interests even though some may find that content objectionable or offensive. Minors and the adult educators who instruct them should be able to request the unblocking of websites that do not fall under the categories of images required to be filtered under the Children's Internet Protection Act.

CIPA-mandated content filtering has had three significant impacts in our schools and libraries. First, it has widened the divide between those who can afford to pay for personal access and those who must depend on publicly funded (and filtered) access. Second, when content filtering is deployed to limit access to what some may consider objectionable or offensive, often minority viewpoints, religions, or controversial topics are included in the categories of what is considered objectionable or offensive. Filters thus become the tool of bias and discrimination and marginalize users by denying or abridging their access to these materials. Finally, when over-blocking occurs in public libraries and schools, library users, educators, and students who lack other means of access to the Internet are limited to the content allowed by unpredictable and unreliable filters.

The negative effects of content filters on Internet access in public libraries and schools are demonstrable and documented. Consequently, consistent with previous resolutions, the American Library Association cannot recommend filtering.<sup>3</sup> However the ALA recognizes that local libraries and schools are governed by local decision makers and local considerations and often must rely on federal or state funding for computers and internet access. 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. The process should encourage and allow users to ask for filtered websites and content to be unblocked, with minimal delay and due respect for user privacy.

<sup>1</sup> Kristen R. Batch. “[Fencing Out Knowledge: Impacts of the Children’s Internet Protection Act 10 Years Later](#)” (ALA OITP & OIF Policy Brief No. 5, June 2014)

<sup>2</sup> United States v. American Library Association, Inc., [539 U.S 194 \(2003\)](#)

<sup>3</sup> “[Resolution on the Use of Filtering Software in Libraries](#)” (1997) and “[Resolution on Opposition to Federally Mandated Internet Filtering](#)” (2001)

Adopted June 30, 2015, by the ALA Council.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Internet Filtering: An Interpretation of the Library Bill of Rights”**

**Internet Filtering**

Many schools and libraries use online content filters for different reasons. The most common reason is to comply with the Children’s Internet Protection Act (CIPA), which allows them to receive federal funding or discounts through:

- the Library Services and Technology Act (LSTA);
- Title III of the Elementary and Secondary Education Act; or
- the Universal Service discount program (E-rate).

Some libraries and schools also follow state filtering rules to qualify for state funding. Many believe that having filtered access is better than having no access at all. The American Library Association does not recommend the use of internet filters. When they are used, libraries should adopt practices and policies to reduce their negative impacts.

CIPA requires public libraries and schools that receive E-rate discounts to use content filters. These filters must block two categories of images that are not protected by the First Amendment: obscene images and child sexual abuse material. The Supreme Court has ruled that these types of content do not have constitutional protection.

CIPA also requires libraries and schools to block a third category—images that courts deem “harmful for minors.” These images are legal for adults but not for minors. CIPA does not require blocking any other constitutionally protected speech or images.

Research shows that filters often block too much or too little content. They frequently prevent access to a wide range of legally protected speech for multiple reasons. Filtering technology often struggles to interpret and categorize complex human communication, whether in text or images, or video. Filters can be ineffective in handling new types of content because they lag behind the always changing and growing internet.<sup>1</sup> Also, filter settings may be set by administrators in ways that go beyond the legal requirements and restrict access to legally protected speech.<sup>2</sup>

Using filters shifts the control of important library and school resources to outside companies. These third parties can influence basic library functions without accountability.<sup>3</sup> Also, library workers and educators often find that filters are unreliable and tech-savvy users can easily bypass them. Some filters allow local library workers to modify settings. Other filters require approval from higher-level administrators.

Most content filters are designed for larger markets beyond libraries and schools. They often block broad categories of legally protected speech, such as:

- objectionable language;
- violence;
- unpopular or controversial opinions; and
- entire online services like email and social media.

Many filters operate on an “opt-out” model, meaning they are turned on by default. These filters often default to the strictest settings, which can only be changed by an administrator.

The Supreme Court upheld CIPA requirements in public libraries based on the idea that adults could request filters be turned off.<sup>4</sup> However, in practice, this often doesn’t happen. Some libraries are unwilling or unable to unblock content when requested. This is especially true if system administration is outside of the library’s control or when staff are unsure of what content is protected for adults. This can lead to long delays in unblocking mistakenly filtered content.

This same issue happens in schools. Delays in unblocking content function as a form of censorship. This is because most users don’t have the time to wait hours or days for access. This problem is made worse by the filtering industry’s secrecy about how content is categorized and blocked, often protected as trade secrets.

Filters also raise privacy concerns. Users must identify themselves and their interests when asking for specific websites to be unblocked. This can discourage both adults and minors from accessing information on personal or controversial topics. No one should have to give up their privacy to access information that should be freely available.

In schools, the CIPA rules are often misinterpreted. This leads to:

- overly strict filtering that blocks legally protected content,
- preventing educators from using the internet for teaching; and
- stopping students from accessing content for assignments and personal interests.

Students may also be blocked from using interactive websites and social media for learning. This limits opportunities to create and share original content like documents, videos, and music.

These issues arise when library workers and educators are not involved in setting filtering policies and procedures. Minors, educators, and library workers should not be blocked from legally protected content just because some may find it objectionable. Anyone should be able to request that non-CIPA-required content be unblocked.

CIPA-mandated content filtering has several major impacts on schools and libraries:

1. It widens the digital divide between those who can afford personal internet access and those who must rely on filtered, publicly-funded access.
2. Minority viewpoints, religions, or controversial topics are often labeled as objectionable or offensive and blocked.
3. Filters can reinforce bias and discrimination by restricting access to certain content.

When filters block too much content, people without other internet access are left with only what the unreliable filters allow.

The negative effects of internet content filters are well documented. Because of this, the American Library Association (ALA) cannot recommend using filters.<sup>5</sup> However, the ALA recognizes that many libraries and schools rely on federal or state funding for internet access and may be required to use them.

Libraries and schools that use filters should have policies to reduce their negative impact. They should make it easy for users to request blocked content to be unblocked. These requests should be carried out with minimal delay and with respect for user privacy.

For further guidance, see “Guidelines to Minimize the Negative Effects of Internet Content Filters on Intellectual Freedom”<sup>6</sup>

## **NOTES**

1. Thakur, Dhanaraj and Emma Llansó. Do You See What I See? Capabilities and Limits of Automated Multimedia Content Analysis” Center for Democracy & Technology, May 2021.
2. Laird, Elizabeth, Madeleine Dwyer, and Hugh Grant-Chapman. “Off Task: EdTech Threats to Student Privacy and Equity in the Age of AI,” Center for Democracy and Technology, September 2023. <https://cdt.org/wp-content/uploads/2023/09/091923-CDT-Off-Task-web.pdf>
3. Kristen Batch, “Fencing Out Knowledge: Impacts of the Children’s Internet Protection Act 10 Years Later,” OITP and OIE Policy Brief No. 5, American Library Association, June 2014, [https://www.ala.org/sites/default/files/advocacy/content/intfreedom/censorshipfirstamendmentissues/FINALCIPA\\_Report.pdf](https://www.ala.org/sites/default/files/advocacy/content/intfreedom/censorshipfirstamendmentissues/FINALCIPA_Report.pdf)
4. United States v. Am. Library Ass’n, Inc., 539 U.S 194 (2003).
5. “Resolution on the Use of Filtering Software in Libraries,” adopted 1997 by the ALA Council; and “Resolution on Opposition to Federally Mandated Internet Filtering,” adopted 2001 by the ALA Council.
6. “Guidelines to Minimize the Negative Effects of Internet Content Filters on Intellectual Freedom” [https://www.ala.org/advocacy/intfreedom/filtering/filtering\\_guidelines](https://www.ala.org/advocacy/intfreedom/filtering/filtering_guidelines)

## APPENDIX #18

### CURRENT INTERPRETATION

#### **Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation**

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the First Amendment. The *Library Bill of Rights* embodies the basic policies that guide libraries in the provision of services, materials, and programs.

In the preamble to its *Library Bill of Rights*, the American Library Association affirms that all libraries are forums for information and ideas. This concept of forum and its accompanying principle of inclusiveness pervades the Library Bill of Rights.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including sex, gender identity, gender expression, or sexual orientation:

- Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The Association affirms that books and other materials coming from presses that specialize in gay, lesbian, bisexual, and/or transgender subject matter; gay, lesbian, bisexual, and/or transgender authors or other creators; and materials regardless of format or services dealing with gay, lesbian, bisexual, and/or transgender life are protected by the Library Bill of Rights. Librarians are obligated by the Library Bill of Rights to endeavor to select materials without regard to the sex, gender identity, or sexual orientation of their creators by using the criteria identified in their written, approved selection policies.<sup>1</sup>
- Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on sex, gender identity, gender expression, or sexual orientation should be considered for purchase and inclusion in library collections and programs.<sup>2</sup> The Association affirms that attempts to proscribe or remove materials dealing with gay, lesbian, bisexual, and/or transgender life without regard to the written, approved selection policy violate this tenet and constitute censorship.
- Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."
- Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals. Therefore, Article V of the *Library Bill of Rights* mandates that library services, materials, and programs be available to all members

of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation. This includes providing youth with comprehensive sex education literature.<sup>3</sup>

- Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to sex, gender identity, gender expression, or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of sex, gender identity, gender expression, or sexual orientation.

<sup>1</sup> ["Evaluating Library Collections: An Interpretation of the Library Bill of Rights,"](#) adopted February 2, 1973, by the ALA Council; amended July 1, 1981; June 2, 2008; and June 25, 2019.

<sup>2</sup> ["Challenged Resources: An Interpretation of the Library Bill of Rights,"](#) Adopted June 25, 1971, by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009; July 1, 2014; and January 29, 2019. ["User-Initiated Exhibits, Displays, and Bulletin Boards: An Interpretation of the Library Bill of Rights,"](#) adopted July 2, 1991, by the ALA Council; amended June 30, 2004, July 1, 2014, and June 25, 2019; ["Library-Initiated Programs and Displays as a Resource: An Interpretation of the Library Bill of Rights,"](#) adopted January 27, 1982, by the ALA Council; amended June 26, 1990; July 12, 2000; June 26, 2018 under previous name "Library-Initiated Programs as a Resource"; and June 24, 2019.

<sup>3</sup> *ALA Policy Manual*, ["Sex Education Materials in Libraries,"](#) B.8.6.2 (Old Number 52.5.2)

Adopted June 30, 1993, by the ALA Council; amended July 12, 2000; June 30, 2004; July 2, 2008; and January 28, 2020.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Library Access and Representation for All Sexes, Gender Identities and Expressions, and Sexual Orientations: An Interpretation of the Library Bill of Rights”**

**Library Access and Representation for All Sexes, Gender Identities and Expressions, and Sexual Orientations**

American libraries operate within the framework of laws established by the U.S. Constitution and the First Amendment. The *Library Bill of Rights* outlines the principles that guide libraries in offering services, materials, resources, and programs. These principles allow libraries to offer a full range of information and ideas.

The American Library Association (ALA) maintains that libraries and library workers have a duty to resist efforts that exclude materials concerning someone’s:

- sex;
- gender identity;
- gender expression; or
- sexual orientation.

The ALA affirms that materials are protected by the *Library Bill of Rights* when they:

- focus on lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual/aromantic (LGBTQIA+) topics;
- are created by LGBTQIA+ people; or
- include content about LGBTQIA+ life.

Library workers should provide inclusive collections and services that reflect the diversity of the world. Refusing to include or removing resources because of the sex, gender identity, gender expression, or sexual orientation of its creator—or because the content covers LGBTQIA+ life—is censorship.

Libraries should offer services, materials, and programs that reflect diverse views on sex, gender identity, gender expression, and sexual orientation.<sup>2</sup> Removing or restricting resources about LGBTQIA+ life without following library policy violates the *Library Bill of Rights*.

Library resources and services must be available to all members of the community. Libraries cannot restrict access based on someone’s sex, gender identity, gender expression, or sexual orientation. Concerns, questions, or complaints about should follow the same policies and procedures used to reconsider other library resources.

Attempts to restrict or remove access to library services and resources must be resisted to protect First Amendment rights. Library workers have a duty to ensure that all users have free and equal access to all library services and materials. The ALA urges library workers to actively support the First Amendment rights of all library users, regardless of sex, gender identity, gender expression, or sexual orientation.

**NOTES**

1. “Evaluating Library Collections: An Interpretation of the Library Bill of Rights,” adopted February 2, 1973, by the ALA Council; amended July 1, 1981; June 2, 2008; and June 25, 2019.



2. “Challenged Resources: An Interpretation of the Library Bill of Rights,” adopted June 25, 1971, by the ALA Council; amended July 1, 1981; January 10, 1990; January 28, 2009; July 1, 2014; and January 29, 2019; “Meeting Rooms: An Interpretation of the Library Bill of Rights,” adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019; “Diverse Collections: An Interpretation of the Library Bill of Rights,” adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 under the previous name “Diversity in Collection Development”; amended June 25, 2019.

## ***APPENDIX #19***

### **CURRENT INTERPRETATION**

#### **Library-Initiated Programs and Displays as a Resource**

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,<sup>1</sup> 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 onsite 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.<sup>2</sup> 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.”<sup>3</sup> 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.

<sup>1</sup> "[Visual and Performing Arts in Libraries: An Interpretation of the \*Library Bill of Rights\*](#)," adopted February 13, 2018, by ALA Council.

<sup>2</sup> "[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.

<sup>3</sup> "[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 *under previous name* "Library-Initiated Programs as a Resource"; and June 24, 2019.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Library-Initiated Programs as a Resource: An Interpretation of the Library Bill of Rights”**

**Library-Initiated Programs as a Resource**

Library-initiated programs support the mission of the library. They do this by giving users extra ways to access 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.”

These programs may take place on-site at the library, off-site at other locations, or online. They may be provided by library workers, volunteers, or partners.

Library workers use their expertise to highlight:

- community interests;
- collections;
- services;
- facilities; and
- information resources.

These programs help users discover library resources and the library’s role in providing access to information. Libraries may work with other agencies, organizations, institutions, or individuals to create programs that serve the community.

“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.”<sup>1</sup> Programming options should represent a diversity of genres, formats, ideas, and expressions. Programming options should provide a variety of viewpoints and cultural perspectives that reflect the diversity in communities. Libraries serving multilingual communities should make efforts to accommodate the needs of those who speak and read languages other than English, including advertising for such events.

Library-initiated programs should comply with all applicable laws. This includes the standards and requirements of the Americans with Disabilities Act and state and local disability accessibility guidelines.<sup>2</sup> Program spaces should be safe and accessible for all users (e.g., ramps, pathways, and emergency exit routes). Reasonable accommodation should be made to have interpretation, voice amplification, and/or real-time captioning when needed or requested by library users.

Concerns, questions, or complaints about programs should follow the same policies and procedures used to reconsider other library resources. These policies should apply equally to everyone, including, but not limited to, library users, staff, and members of the governing body. They should also emphasize the library’s commitment to free and open access to information and ideas for all.

Sponsoring a program does not mean the library endorses the content or the views of the participants or speakers. Similarly, adding materials to the collection or curating a display doesn’t mean the library

supports the creator or resources' 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 includes all the resources offered, including programming.

Libraries may create programs for:

- specific age groups;
- educational suitability; or
- audience interest.

However, restrictions based solely on gender, age, or educational level violate this right. These restrictions should only be enforced if not doing so would have a negative impact on the safety of the participants or the intended purpose of the program.

Parents and guardians may decide whether their own children can participate in library programs. They should discuss these decisions with their children. However, no person or organization may interfere with another person's access or participation, including decisions about other people's children.

Users should not be denied access to programs because they owe overdue fines or other fees. If libraries charge for supplies, they should make every effort to reduce economic barriers to participation.<sup>3</sup>

Libraries should only collect and keep participants' personal information if they choose to opt-in. Attendees may need to show a library card or student ID to prove eligibility, but their information should not be recorded as a condition for attending the program.

## NOTES

1. "Services to People with Disabilities: An Interpretation of the Library Bill of Rights," adopted January 28, 2009, by the ALA Council under the previous name "Services to Persons with Disabilities"; amended June 26, 2018.

2. "Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights," adopted June 27, 2017, by the ALA Council.

3. "Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights," adopted June 30, 1993, by the ALA Council; amended June 25, 2019.

## ***APPENDIX #20***

### **CURRENT INTERPRETATION**

#### **Meeting Rooms**

Many libraries provide meeting rooms and other spaces designated for use by the public for meetings and other events as a service to their communities. Article VI of the *Library Bill of Rights* states, “Libraries which make ... meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.” Libraries do not advocate for or endorse the viewpoints expressed in meetings by meeting room users, just as they do not endorse the viewpoints of works in their collections. The presence and activities of some groups in public spaces, while constitutionally protected, can cause fear and discomfort in some library users and staff. Libraries should adopt and enforce user behavior policies that protect library users and staff from harassment while maintaining their historic support for the freedom of speech.<sup>1</sup> This interpretation provides general guidelines regarding meeting rooms and other spaces for public gatherings, and it does not constitute legal advice.

Publicly funded libraries are not obligated to provide meeting room space to the public. If libraries choose to do so, such spaces are considered designated public forums<sup>2</sup>, and legal precedent holds that libraries may not exclude any group based on the subject matter to be discussed or the ideas for which the group advocates.<sup>3,4</sup> However, if a group's actions during a meeting disrupt or harass others in the library, library policies regarding acceptable behavior may apply. If libraries adopt policies that are perceived to restrict potentially controversial groups' access to meeting rooms, they may face legal and financial consequences. Allowing religious groups to use library meeting rooms and spaces does not constitute a breach of the First Amendment's Establishment Clause.<sup>5</sup>

Libraries offering meeting rooms and spaces should develop and publish policies governing use after consultation with legal counsel. These policies should properly define time, place, or manner of use; such restrictions should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. Policies should be regularly reviewed with staff and made available to the public in all of the commonly used languages within the community served.

Libraries should write policies in inclusive rather than exclusive terms. A policy that the library's facilities are open “to organizations engaged in educational, cultural, intellectual, charitable, advocacy, civic, religious, or political activities” is an inclusive statement of the limited uses of the facilities. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization.

Written policies may also include limitations on frequency of use and require adherence to the library's behavior policy.<sup>6</sup> The meeting room policy should also state whether meetings held in library spaces must be open to the public or if the library allows private events. Libraries may choose to offer space for public or private events unless restricted by state or local laws. The same standards and policies should apply to all meeting room uses. Library users should have a process through which they may appeal the denial of meeting room use.

If meeting rooms and spaces are open to the public, libraries should include a section in their policy that addresses fees. Charging fees does not change the status of meeting rooms and spaces as designated public forums. Library governing bodies that decide to charge fees for use of library spaces should consider local and state laws, the ALA's *Code of Ethics*, and the *Library Bill of Rights*. Charging fees for the use of library meeting rooms or facilities may abridge or deny access for some community members.<sup>7</sup> 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." This applies with equal force to the library's meeting rooms and spaces designated for public use as it does to the library's collections and services.

<sup>1</sup> ["Resolution on Libraries as Responsible Spaces,"](#) Committee on Diversity, adopted June 26, 2017 by the ALA Council.

<sup>2</sup> [\*Concerned Women for America v. Lafayette County\*](#), 883 F.2d 32 (5th Cir. 1989).

<sup>3</sup> *Hale v. Schaumburg Township District Library*, et al., 01-cv-2220 (N.D. Ill. 2001); *Hale, et al., v. Schell and the Martin Library Board of Directors*, 1:02-cv-1156 (M.D. Pa. 2002).

<sup>4</sup> ["White Supremacist Wins Library Venue in Schaumburg,"](#) American Libraries Magazine, August 20, 2001; ["White Supremacists to Meet after Library Changes Policy,"](#) Library Journal staff, Library Journal, November 25, 2002.

<sup>5</sup> [\*Concerned Women for America v. Lafayette County\*](#), 883 F.2d 32 (5th Cir. 1989).

<sup>6</sup> ["Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage,"](#) adopted January 24, 1993 by the Intellectual Freedom Committee; revised November 17, 2000; January 19, 2005; and March 29, 2014.

<sup>7</sup> ["Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights,"](#) adopted June 30, 1993, by the ALA Council and amended June 25, 2019.

Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Meeting Rooms: An Interpretation of the Library Bill of Rights”**

**Meeting Rooms**

MANY LIBRARIES offer meeting rooms and other spaces for public use as a community service. Article VI of the *Library Bill of Rights* states, “Libraries which make . . . meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.”

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.” This applies to meeting rooms and spaces designated for public use just as it does to the library collections and services.

Libraries do not support or endorse the views of meeting room users, just as they do not endorse the viewpoints of materials in their collections. Some groups may engage in activities that, while legally protected, can cause fear and discomfort for library users and staff. Libraries should create and enforce user behavior policies that protect users and staff from harassment while upholding free speech rights.<sup>1</sup> This interpretation provides general guidelines for meeting room use, and is not legal advice.

Publicly funded libraries are not required to offer meeting rooms for public use. However, if they do, these spaces are considered designated public forums.<sup>2</sup> This means libraries cannot exclude groups based on the topics they discuss or the ideas they support.<sup>3</sup> The First Amendment’s Establishment Clause allows religious groups to use library meeting rooms and spaces.<sup>4</sup>

Libraries can enforce their behavior policies if a group disrupts or harasses others in the library. Libraries may face legal and financial consequences if their policies seem to unfairly limit controversial groups’ access to meeting rooms.

Libraries should work with legal counsel to create policies in advance for using meeting rooms and public spaces. These policies should explain when, where, and how the space can be used. However, they should not restrict access based on the content of a meeting or to the beliefs or affiliations of the sponsors. Libraries should also be transparent about the privacy and confidentiality policies regarding use of meeting rooms as a library resource.

Policies should be available to the public in the community’s most commonly used languages. Library staff should also review them regularly.

Library policies should be inclusive, not exclusive. An inclusive policy may state:

Our library’s meeting rooms are open to groups for activities related to:

- education;
- culture;
- charity;
- advocacy;
- civic engagement;
- religion; or
- politics.



For example, if a library allows a charity or sports clubs to use its space, then political or religious groups should also be allowed. If meeting rooms are open to a variety of civic organizations, then the library may not deny access to a religious group.

Policies may set limits on how often a space can be used. They may also require users to follow the library's behavior policy.<sup>5</sup> The policy should state whether meetings must be open to the public or if private events are allowed.

Libraries may offer space for public or private events unless restricted by state or local laws. The same rules should apply to all meeting room users. Libraries should also have a process for users to appeal if their meeting room request is denied.

If meeting rooms and spaces are open to the public, library policies should clearly state any fees. Fees for meeting rooms may limit or deny access for some users.<sup>6</sup> Charging fees does not change the status as a designated public forum. Libraries that charge fees should review:

- local and state laws;
- the American Library Association's Code of Ethics; and
- the *Library Bill of Rights*.

Meeting rooms may be offered as a resource to all members of a community. While prioritizing the safety of library users and workers, libraries must also uphold the First Amendment rights of all users—including those with ideas that other members of the community may disagree with. Strong policies, approved in advance, are the best way to ensure both safety and freedom of speech for all.

## NOTES

1. "Resolution on Libraries as Responsible Spaces," adopted June 26, 2017, by the ALA Council.

2. *Concerned Women for Am. v. Lafayette Cnty.*, 883 F.2d 32 (5th Cir. 1989).

3. *Hale v. Schaumburg Twp. Dist. Library, et al.*, 01-cv-2220 (N.D. Ill. 2001); *Hale, et al., v. Schell and the Martin Library Bd. of Dirs.*, 1:02-cv-1156 (M.D. Pa. 2002); "White Supremacist Wins Library Venue in Schaumburg," *American Libraries*, August 20, 2001, <https://web.archive.org/web/20181212231846/https://americanlibrariesmagazine.org/white-supremacist-wins-library-venue-in-schaumburg/>; "White Supremacists to Meet after Library Changes Policy," *Library Journal*, November 25, 2002, [https://web.archive.org/web/20150407153623/http://lj.libraryjournal.com/](https://web.archive.org/web/20150407153623/http://lj.libraryjournal.com/2002/11/ljarchives/white-supremacists-to-meet-after-library-changes-policy/)

2002/11/ljarchives/white-supremacists-to-meet-after-library-changes-policy/.

4. *Concerned Women for Am. v. Lafayette Cnty.*, 883 F.2d 32 (5th Cir. 1989).

5. "Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage," adopted January 24, 1993, by the ALA Intellectual Freedom Committee; amended November 17, 2000; January 19, 2005; March 29, 2014; and August 16, 2019.

6. "Economic Barriers to Information Access: An Interpretation of the Library Bill of Rights," adopted June 30, 1993, by the ALA Council; amended June 25, 2019.

## ***APPENDIX #21***

### **CURRENT INTERPRETATION**

#### **Minors and Online Activity**

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 *under previous name* "Minors and Internet Activity"; and June 24, 2019.

#### See Also

- ["Access to Digital Resources and Services: An Interpretation of the \*Library Bill of Rights\*,"](#) adopted January 24, 1996, by the ALA Council; amended January 19, 2005; and July 15, 2009 *under previous name* "Access to Digital Information, Services, and Networks"; and June 25, 2019. References to cited policies updated on November 6, 2018.
- ["Access to Library Resources and Services for Minors: An Interpretation of the \*Library Bill of Rights\*,"](#) adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008, *under previous name* "Free Access to Libraries for Minors"; July 1, 2014; and June 25, 2019.
- [\*Library Privacy Guidelines for Students in K-12 Schools\*](#)," drafted by the IFC Privacy Subcommittee and the LITA Patron Privacy Interest Group, approved April 2, 2016, by IFC.
- [\*Library Privacy Checklists\*](#), drafted by IFC Privacy Subcommittee and the LITA Patron Privacy Interest Group, approved by IFC on January 21, 2017.
- ["Internet Filtering: An Interpretation of the \*Library Bill of Rights\*,"](#) adopted June 30, 2015, by the ALA Council.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Minors and Online Activity: An Interpretation of the Library Bill of Rights”**

**Minors and Online Activity**

The internet gives people the ability to access, create, and share information. Minors have First Amendment rights to seek, create, and interact with online information in schools and libraries. In particular, they have the right to free expression and the right to privacy.

Minors should have access to social media and other online tools for both learning and recreation. The internet can help develop their social, interpersonal, and academic skills. Examples include:

- creating and sharing documents online;
- uploading pictures, videos, and other visual content;
- playing interactive games;
- organizing and categorizing information; and
- participating in online communities.

Library workers should curate and provide access to age-appropriate online resources and teach minors how to stay safe online. They should help young people develop the skills needed to be responsible digital citizens.

Parents and guardians play a critical role in preparing their children to be online. They should communicate their values and guide their children’s internet use. Libraries and their governing bodies should make it clear that only a parent or guardian can decide what their child—and only their child—can access online.

Libraries and schools often use filters to restrict access to online content. These filters can go beyond what state laws and the Children’s Internet Protection Act require, limiting access to information and social media. Such restrictions deny minors their right to free expression online.

Protecting minors’ online privacy rights is essential. Concerns about sharing personal information or cyberbullying often lead to restrictive policies. These policies can limit minors’ right to free expression and online privacy.

Blocking minors from social media and online communities can prevent them from learning important digital skills. Library workers should teach them how to engage online in ways that match their maturity level. This should be done without restricting access for others.

Library workers should also support strong privacy policies that prevent the collection and use of minors’ online activity for marketing or profit.

The First Amendment protects all speech created by minors and shared online. Blocking social media in schools and libraries violates the *Library Bill of Rights* and minors’ right to free expression.

Improper use of online tools should be handled as an individual behavior issue, not as a reason to restrict or ban access. Online safety concerns should not justify limiting access for minors. Library workers,

educators, and administrators must stay informed about these risks while continuing to support minors' intellectual freedom.

Libraries defend intellectual freedom and the First Amendment, and they should advocate for greater access when it is limited or restricted. Libraries have a responsibility to provide unrestricted access to online resources to the greatest extent allowed under local, state, and federal laws and to support minors' right to free expression and online privacy.

## ***APPENDIX #22***

### **CURRENT INTERPRETATION**

#### **Politics in American Libraries**

The First Amendment to the United States Constitution states that “Congress shall make no law . . . abridging the freedom of speech, or of the press...” The Library Bill of Rights specifically states that “all people” and “all points of view” should be included in library materials and information. There are no limiting qualifiers for viewpoint, origin, or politics. Thus there is no justification for the exclusion of opinions deemed to be unpopular or offensive by some segments of society no matter how vocal or influential their opponents may be at any particular time in any particular place.

Associate Justice William J. Brennan, Jr. observed in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), “[There exists a] profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”

Therefore, libraries should collect, maintain, and provide access to as wide a selection of materials, reflecting as wide a diversity of views on political topics as possible, within their budgetary constraints and local community needs. A balanced collection need not and cannot contain an equal number of resources representing every possible viewpoint on every issue. A balanced collection should include the variety of views that surround any given issue.<sup>1</sup>

If a library has designated a space for community use, it must make that space available to all community organizations and groups regardless of their views or affiliations.<sup>2</sup> Libraries should rely on appropriate time, place, and manner regulations to guarantee equitable access and to avoid misuse of library space. These may include regulations governing the frequency and length of meetings and penalties on disruptive behavior.<sup>3</sup> Libraries should establish similar regulations if they make library space available for public exhibits or the public distribution of literature.<sup>4</sup>

The robust exchange of ideas and opinions is fundamental to a healthy democracy. Providing free, unfettered access to those ideas and opinions is an essential characteristic of American libraries. Therefore, libraries should encourage political discourse as part of civic engagement in forums designated for that purpose. Libraries should not ignore or avoid political discourse for fear of causing offense or provoking controversy.

Special limitations may apply to workplace speech (including political advocacy) by library employees.<sup>5</sup> When libraries are used as polling places, state statute or local ordinance may mandate temporary time, place, and manner restrictions on the political expression of members of the public, poll workers, and library employees while polling places are open.

This interpretation is most clearly applicable to public libraries. School, academic, and private libraries, including those associated with religious institutions, should apply these guidelines as befits or conforms to their institutional mission.

<sup>1</sup> “[Diverse Collections: An Interpretation of the Library Bill of Rights](#),” Adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; July 1, 2014 *under previous name* "Diversity in Collection Development"; and June 25, 2019.

<sup>2</sup> ["Meeting Rooms: An Interpretation of the \*Library Bill of Rights\*,"](#) Adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.

<sup>3</sup> ["Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage,"](#) Adopted January 24, 1993, by the Intellectual Freedom Committee; revised November 17, 2000; revised January 19, 2005; and March 29, 2014.

<sup>4</sup> ["User-Initiated Exhibits, Displays, and Bulletin Boards: An Interpretation of the \*Library Bill of Rights\*,"](#) Adopted July 2, 1991, by the ALA Council; amended June 30, 2004, July 1, 2014 *under previous name* "Exhibit Spaces and Bulletin Boards"; and June 25, 2019.

<sup>5</sup> ["Speech in the Workplace Q&A,"](#) Adopted by the Committee on Professional Ethics, July 2001; amended January 2004; June 26, 2006; January 24, 2007; July 1, 2014; and April 30, 2019.

Endorsed by the ACRL Professional Values Committee in June 2017. Adopted June 27, 2017, by the ALA Council.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Politics in American Libraries: An Interpretation of the Library Bill of Rights”**

**Politics in American Libraries**

The U.S. Constitution’s First Amendment states that “Congress shall make no law . . . abridging the freedom of speech, or of the press. . .” The *Library Bill of Rights* says that library materials should include “all people” and “all points of view.” There are no restrictions on viewpoint, origin, or politics. Libraries should not exclude opinions just because they are unpopular or offensive to some. This applies even when those opposing views are loud or influential in society.

Associate Justice William J. Brennan, Jr. observed in *New York Times Co. v. Sullivan (1964)*:

[There exists a] profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.

This means libraries should collect, maintain, and provide access to a wide range of materials. Within budget limits and community needs, they should include diverse views on political topics.

A balanced collection does not need to have an equal number of resources for every possible viewpoint. Instead, it should offer a variety of perspectives around each issue.<sup>1</sup>

Libraries that have designated space for community use must make it available to all community organizations and groups, no matter their views or affiliations.<sup>2</sup> This includes political organizations. To guarantee access and to avoid misuse, libraries should have time, place, and manner rules. These rules may include how often a meeting can happen, meeting length, and behavior policies.<sup>3</sup> Libraries should create similar rules if they have space for public exhibits or the public distribution of literature.<sup>4</sup> Policies about use of the library and its resources should be available to all library users.

A healthy democracy must have a robust exchange of ideas and opinions. American libraries play a key role by providing free, unrestricted access to these ideas. Libraries should support civic engagement by encouraging political discussion in designated forums. They should not avoid these discussions out of fear of offense or controversy.

Library workers may have limitations on workplace speech, including political advocacy.<sup>5</sup>

When libraries serve as polling places, state or local laws may temporarily limit political expression. These rules can apply to the public, poll workers, and library workers while the polling place is open.

Libraries should implement these guidelines in accordance with their institutional mission and state and local laws.

**NOTES**



1. “Diverse Collections: An Interpretation of the Library Bill of Rights,” adopted July 14, 1982, by the ALA Council; amended January 10, 1990; July 2, 2008; and July 1, 2014 under the previous name “Diversity in Collection Development”; amended June 25, 2019.  
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/diversecollections>
2. “Meeting Rooms: An Interpretation of the Library Bill of Rights,” adopted July 2, 1991, by the ALA Council; amended June 26, 2018; amended version rescinded August 16, 2018; amended January 29, 2019.  
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/meetingrooms>
3. “Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage,” adopted January 24, 1993, by the ALA Intellectual Freedom Committee; amended November 17, 2000; January 19, 2005; March 29, 2014; and August 16, 2019. <https://www.ala.org/advocacy/intfreedom/guidelinesdevelopment>
4. “User-Initiated Exhibits, Displays, and Bulletin Boards: An Interpretation of the Library Bill of Rights,” adopted July 2, 1991, by the ALA Council; amended June 30, 2004; and July 1, 2014, under the previous name “Exhibit Spaces and Bulletin Boards”; amended June 25, 2019.  
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/exhibitsdisplaysbulletinboards>
5. “Speech in the Workplace Q&A,” adopted by the Committee on Professional Ethics, July 2001; amended January 2004; June 26, 2006; January 24, 2007; July 1, 2014; and April 30, 2019.  
<https://www.ala.org/tools/ethics/workplacespeechqa>

## ***APPENDIX #23***

### **CURRENT INTERPRETATION**

#### **Privacy**

All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Numerous decisions in U.S. case law have defined and extended rights to privacy to all.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

Libraries should follow purpose-limitation, storage-limitation, and data-minimization principles<sup>9</sup> 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.

Adopted June 19, 2002, by the ALA Council; amended July 1, 2014; and June 24, 2019.

<sup>1</sup> Article VII, *Library Bill of Rights*

<sup>2</sup> 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).

<sup>3</sup> 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](#).

<sup>4</sup> 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).

<sup>5</sup> The phrase "personally identifiable information" was adopted by the ALA in 1991. See: "[ALA Policy Concerning Confidentiality of Personally Identifiable Information about Library Users](#)."

<sup>6</sup> 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."

<sup>7</sup> 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).

<sup>8</sup> [NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems \(NISO Privacy Principles\) \(2015\)](#)

<sup>9</sup>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.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Privacy: An Interpretation of the Library Bill of Rights”**

**Privacy**

Everyone has the right to privacy and confidentiality in their library use, no matter their origin, age, background, or views.<sup>1</sup> When users recognize or fear that their privacy is at risk, they lose the freedom to explore ideas.

Privacy is essential for free speech, free thought, and free association. Courts recognize the First Amendment right to access information in publicly funded libraries.<sup>2</sup> Courts have also upheld privacy rights under the U.S. Constitution. Many states guarantee privacy in their constitutions and laws.<sup>3</sup> Many court decisions have defined and extended these rights to all.<sup>4</sup>

The right to privacy means being able to seek information in person or online without fear of judgment. Confidentiality is when a library has users’ personally identifiable information (PII) and keeps it private.<sup>5</sup> Article III of the American Library Association’s (ALA) *Code of Ethics* states that confidentiality covers “information sought or received and resources consulted, borrowed, acquired or transmitted.” This includes, but is not limited to:

- reference questions and interviews;
- circulation records;
- digital interactions; and
- records about using library resources, services, programs, or facilities.

Protecting user privacy and confidentiality has long been central to libraries. ALA has recognized the right to privacy since 1939.<sup>6</sup> Current ALA policies affirm that confidentiality is essential for free inquiry. Article VII of the *Library Bill of Rights* clearly states users’ have rights to privacy and confidentiality.

**Rights of Library Users**

A lack of privacy and confidentiality has a chilling effect on users’ selecting, accessing, and using library resources. Everyone has the right to use the library without unjust surveillance or intrusion. Minors have the same rights to privacy as adults. Library users expect their data to be protected and kept private. In many states, they have legal rights to this protection.

Unless required by law (such as the Family Educational Rights and Privacy Act), libraries should never have policies or practices that limit users’ right to privacy based on:

- age;
- ability;
- housing status;
- immigration status;
- involvement with the criminal justice system;
- religion;
- ethnicity;
- sexual orientation;

- gender identity; or
- other forms of identity or status.

If required by law, libraries should consult with legal counsel before limiting privacy rights.

Libraries have a duty to inform users about how their PII and library-use data are collected, secured, and retained. Users should always have the choice to opt in to any nonessential data collection. They should also be able to opt out again at any time. All nonessential data collection should be turned off by default.

Libraries should give users control over as many privacy choices as possible. Privacy options should be clearly displayed, easy to find, and understandable for all.

### **Library Responsibilities**

Libraries have long had an ethical commitment to providing access to information without monitoring its use. They do this by following privacy laws and maintaining clear, updated, and publicly available privacy policies. These policies should state:

- what data is being collected;
- who it is shared with; and
- how long it is kept.

Everyone in the library, including volunteers, has a duty to respect and protect the privacy of users. Libraries should provide ongoing privacy training to library workers, governing bodies, and their users.

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.<sup>7</sup>

### **Data Protection**

Libraries should clearly define any collection of a person's library use. Such data must be:

- transparently disclosed to users;
- retained for the minimum amount of time necessary; and
- anonymized when possible.

Any data collected for analysis should be anonymous or aggregated, it should never be linked to personal information. Biometric technologies, like facial recognition, do not align with the library's mission of facilitating access without unjust surveillance.

No matter what technology is used, anyone who collects or accesses PII, in any format, has a legal and ethical duty to keep it confidential. Library security practices to safeguard personal information should be current and comply with state, local, and national standards. The NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems requires these practices include:

- encrypting personal data both at rest and in transit;

- promptly updating systems and software to fix vulnerabilities;
- establishing systems, procedures, and policies for controlling access to sensitive data;
- providing security training for those with data access;
- maintaining written procedures for breach reporting and incident response; and
- setting clear policies for system, software, and network security configuration and auditing.<sup>8</sup>

Libraries should follow the principles of purpose limitation, storage limitation, and data minimization when collecting and retaining library-use data.<sup>9</sup> They should only collect and store the PII required for specific, clearly disclosed purposes.

Libraries should regularly review their data collection and retention policies to identify when collecting user data is no longer necessary. When developing data management policies, libraries must follow state, institutional, and other government retention requirements. To meet industry privacy and security standards, libraries should routinely update their procedures for collecting and maintaining user data.

## Library Vendors

Libraries should never share users' PII with third parties or vendors unless:

1. they have explicit user permission; or
2. they are required by law or an existing contract.

Libraries or their governing institutions should ensure vendor agreements retain library ownership of user data. These agreements should allow audits of how vendors collect, retain, and access data. They should also state that user data is confidential and cannot be used or shared without the library's permission. Vendors handling user data should have a publicly available privacy policy that follows the NISO Consensus Principles. As contracts near expiration, libraries should negotiate future contracts to include these privacy safeguards.

## Law Enforcement

Records should only be shared in response to properly executed court orders or legal processes. Law enforcement may request library records and data they believe are relevant to an investigation. Libraries should have clear procedures for handling these requests. Staff should be regularly trained on following these procedures.

## Conclusion

ALA affirms that privacy rights are essential for intellectual freedom and a core value of librarianship. Rapid advances in technology increase the risk of exposing users' PII and library use data. The use of new technologies in libraries may conflict with the *Library Bill of Rights* and library workers' ethics when they rely on:

- collecting;
- using;
- sharing;
- monitoring; and



- tracking user data.

Libraries should prioritize privacy when designing and delivering programs and services. They should carefully review their own policies and procedures and those of their vendors. Privacy is the foundation of libraries and the reason they remain trusted parts of every community.

## NOTES

1. Article VII, Library Bill of Rights, adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; and January 29, 2019; inclusion of “age” reaffirmed January 23, 1996.

2. Court opinions establishing a right to receive information in a public library include *Bd. of Educ. 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. Am. Civil Liberties Union*, 117 S.Ct. 2329, 138 L.Ed.2d 874 (1997).

3. Ten state constitutions guarantee a right to 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.

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 Gen.*, 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. 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 Users’ Digital Privacy in Library, Publisher, and Software-Provider Systems,” Baltimore, MD, December 10, 2015.

8. *Ibid.*

9. These principles, drawn from the European Union’s “General Data Protection Regulation” (GDPR; 2016) and reflected in other fair privacy practice principles such as the “NISO Consensus Principles” (see note 7) 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 the GDPR applies.

## ***APPENDIX #24***

### **CURRENT INTERPRETATION**

#### **Religion in American Libraries**

The courts have consistently held that for the freedom of the press and speech guaranteed by the First Amendment to the United States Constitution to be fully meaningful, people must also have the right to receive information: that is, to read, view, hear or access what they choose. In addition, the First Amendment guarantees the right of individuals to believe and practice their religion or practice no religion at all (the “free exercise” clause) and prohibits government from establishing or endorsing a religion or religions (the “establishment” clause). Thus the freedom of, for and from religion, are similarly guaranteed.

In most cases involving religion and libraries, these latter freedoms of, for and from religion are not at issue. Rather, the constitutional principles at stake are usually freedom of expression and the corollary freedom to access the expression of others. For instance, most challenges to materials with religious content potentially infringe on the rights of other persons to access constitutionally protected speech rather than limiting the challenger’s own beliefs or the practice of his or her own religion.

For the purpose of this interpretation “religion” refers to all that touches on the infinite, a supreme deity or deities or one’s understanding of the ultimate meaning or purposes of life. It includes formal organized systems of belief and practice and informal individual spiritualities. It also refers to adherents of older religions, newer religions, and no religion. While this interpretation is most clearly applicable to public libraries, it should in most cases also be appropriate for school and academic libraries. Private libraries, especially those associated with religious institutions, should apply these guidelines as appropriate in relation to their institutional mission.

Librarians have a professional responsibility to be inclusive rather than exclusive in collection development. Libraries serve all members of their communities and within their budgetary constraints should address all information concerns of all members—including their religious information needs. Collections should reflect those needs by providing access to diverse religious thought without becoming a proponent of any of them. Articles I and II of the *Library Bill of Rights* are clearly inclusive regarding audience (“all people of the community the library serves”) and materials (“all points of view on current and historical issues”). This includes both fiction and non-fiction materials regardless of format.

Collection development and materials selection should be done according to standards set forth in library policy that incorporates professional standards established in the *Library Bill of Rights* and *Code of Ethics of the American Library Association* and that are tailored to the community that the library serves. These may include but are not limited to contemporary significance or permanent value, community interest and/or demand, artistic and literary excellence, cost and format. The policy may include a reference to the role of the library as a limited public forum providing access to the marketplace of ideas. For example, it may state that the library provides unfettered access to different points of views and ideas. Above all, collection development should be content-neutral, assuring that the library reflects a diversity of ideas including controversial or unorthodox points of view.

The selection, shelving, and labeling (especially the use of religious symbols in labeling) of religious fiction are particularly sensitive. Nevertheless, excluding religious fiction would be a violation of the *Library Bill of Rights*: “Materials should not be excluded because of the origin, background, or views

of those contributing to their creation." Librarians should distinguish between providing access to religious fiction and the appearance of supporting or endorsing a particular religious point of view. Religious content is no more or less protected than any other type of speech. While libraries and librarians should respect the diverse religious traditions of their communities, libraries exist to serve the information needs of all users in their communities.

Library policy should be applied equally to shelving of religious books, to storage or display of religious objects, or to access to religious Web sites as they would be to any other shelving, storage, display, or Web access. Privileging one religious tradition over others could violate the establishment clause of the First Amendment. Placing specific materials according to religious point of view or status within a given faith community rather than according to the cataloging system used in the library can make it difficult for users to locate such materials. It could be a violation of the *Library Bill of Rights* to give special treatment to a specific sacred text or object or to limit access to such a text or object. On the other hand, it is appropriate to add additional titles or versions of a text or objects to the collection to meet community needs or interest but not to remove or sequester them. The scriptures or religious materials of all religions should be treated respectfully and equitably.

If a library sets aside tables or shelves for specialized materials or purposes such as atlases, directories, college guides, dictionaries or local history, it would be appropriate to set aside shelving for scripture, as long as all scriptures are treated equally, including texts that occupy a similar status among other groups (e.g., *The Humanist Manifesto II*).

Regarding meeting rooms, courts have consistently held that libraries may not exclude religious groups from their meeting rooms solely because the group is religious in character or because the meeting may include religious activities. Many precedents exist for the use of public facilities (e.g., school auditoriums or park pavilions) by all types of community groups, including religious groups. Courts that have considered the question have consistently held that libraries are limited public forums for the receipt of information. In turn libraries may designate areas within their facilities as limited public forums for use by the community for the exchange of information and may create rules for their use. No court has ever ruled that a library must exclude religious groups. The safest course of action is to provide the same access and apply the same rules of use to all community groups. As with collections, these rules should be content-neutral and address only behavioral restrictions (time, place and manner). Consistency is crucial: all groups should be treated the same and subject to the same rules, such as rental fees, frequency restrictions, noise policies or food bans.

With regard to displays, libraries are not required to open display or exhibit space to community groups. If libraries choose to open their exhibit and display space to community groups, space should be provided on an equitable basis to all groups that request it, regardless of the beliefs or affiliations of individuals or groups requesting their use. A library may wish to consider the amount of such space and its location when deciding whether to open it to community groups. Article II of the *Library Bill of Rights* states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation" and "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." For additional details, see "Exhibit Spaces and Bulletin Boards: An Interpretation of the *Library Bill of Rights*."

If a library provides space for community groups to distribute literature to the public, religious groups should be allowed to do so on an equitable basis with all groups that use the distribution space, regardless of the beliefs or affiliations of individuals or groups distributing such literature. Policies covering the

number of individual items of literature, the size and definition of such items and the length of time that items will be left out for distribution should be considered.

The religious views that patrons and employees bring with them into the library are more community relations and employment issues rather than intellectual freedom issues and are addressed in the Intellectual Freedom Committee's "[Religion in American Libraries Q&A](#)."

Precisely because religion is such a sensitive and sometimes controversial concern of library users, it should be accorded the full protections promised to its myriad forms by the First Amendment of the United States Constitution and the American Library Association's *Library Bill of Rights*.

Adopted June 28, 2016, by the ALA Council.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Religion in American Libraries: An Interpretation of the Library Bill of Rights”**

**Religion in American Libraries**

The First Amendment of the U.S. Constitution guarantees freedom of the press and speech. Courts have held that these rights are meaningful only if people also have the right to receive information—allowing them to read, view, hear, or access what they choose.

The First Amendment also protects religious freedom through two key clauses:

- The “free exercise” clause guarantees the right to believe and practice any religion or none at all.
- The “establishment” clause prohibits the government from creating or endorsing a religion.

These provisions ensure each person’s freedom to practice any religion, to live according to their religious beliefs and customs, and to live without being forced to adopt or participate in any religious beliefs or activities.

Legal issues involving religion and libraries are usually not about the “free exercise” or “establishment” clauses. Instead, most cases involve freedom of expression—the right to share ideas—and the right to access the expression of others. For example, most challenges to materials with religious content do not restrict the challenger’s beliefs or religious practices. Rather, they try to infringe on the rights of others to access constitutionally protected speech.

**Library Collections**

Library workers have a duty to build inclusive collections. Within budget limits, libraries should meet the information needs of all community members, including religious needs. Collections should include diverse religious materials without promoting any specific belief. They should offer both fiction and nonfiction materials in multiple formats.

Libraries should take care when selecting, shelving, and labeling religious fiction. This is especially important when labeling items with religious symbols. Article I of the *Library Bill of Rights* states, “Materials should not be excluded because of the origin, background, or views of those contributing to their creation.” Excluding religious fiction would violate this principle. Libraries need to balance providing access to religious fiction without appearing to endorse a specific viewpoint.

Religious content has the same legal protections as any other type of speech. While library workers should respect the diverse religious traditions of their communities, their primary role is to serve the information needs of all users.

Library policies should not treat the following differently from other topics:

- the shelving of religious materials;
- the storage or display of religious objects; or
- providing access to religious websites.

Favoring one religious tradition over others could violate the First Amendment's establishment clause. Libraries should follow their cataloging system to help users find religious materials. Giving special treatment to or limiting access to a specific sacred text or object may violate the *Library Bill of Rights*. This includes the categorization of religious documents, particularly of marginalized religions, into folklore or mythology sections.

Libraries can add religious materials to the collection to meet community needs. However, they should not remove or limit access based on religious affiliation or content. All religious materials should be treated fairly and respectfully.

Libraries may set aside shelving for scripture if they also have designated areas for other specialized materials such as:

- atlases;
- directories;
- college guides;
- dictionaries; or
- local history.

All scriptures should be treated equally, including texts that occupy a similar status among other groups (e.g., the Humanist Manifesto II).

Libraries should not remove or restrict access to resources based on an individual's objections based on personal religious belief. A library's review procedure and policies should ensure that one person's religious beliefs do not affect another person's access to library resources.<sup>1</sup>

### **Meeting Rooms**

Libraries do not have to provide meeting room space to community groups. Courts have held that if libraries provide meeting room space for community use, they may not exclude religious groups solely because the group is religious or is hosting religious activities<sup>2</sup>.

Courts have also ruled that libraries are limited public forums for receiving information. This means libraries can designate areas for community use and create rules for how those spaces are used. Libraries should provide equal access and apply the same rules to everyone. These rules should be content neutral and only regulate time, place, and manner. Libraries must be consistent, ensuring all groups follow the same rules, such as:

- rental fees;
- use restrictions;
- conduct and safety policies<sup>3</sup>; and
- food bans.

### **Displays**

Libraries do not have to open display or exhibit spaces to community groups. However, if they do, all groups must have equal access, regardless of their beliefs or affiliations.

The *Library Bill of Rights* states, “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Denying or restricting access to these spaces based on religious beliefs or content would violate this principle.

Religious groups should also have the same access to community literature distribution spaces as other groups. Library policies about literature distribution should cover:

- how many items can be distributed;
- size limits for materials; and
- how long items will be left out.

For more guidance, see “Exhibit Spaces and Bulletin Boards: An Interpretation of the Library Bill of Rights.”

Policies about use of the library and its resources should be available to all library users.

## Conclusion

Because religion is a sensitive and sometimes controversial topic for library users, it should receive the full protections guaranteed in the U.S. Constitution and the *Library Bill of Rights*.

For more information about staff and user’s religious beliefs in libraries, see “Religion in American Libraries Q&A.”<sup>4</sup>

## Footnote

1. Challenged Resources <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/challenged-resources>
2. Meeting Room Interpretation <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/meetingrooms>
3. Hateful Conduct in Libraries: Supporting Library Workers and Patrons <https://www.ala.org/advocacy/hatefulconduct>
4. Religion in American Libraries Q&A <https://www.ala.org/advocacy/intfreedom/religionqa>

## *APPENDIX #25*

### CURRENT INTERPRETATION

#### **Services to People with Disabilities**

The American Library Association recognizes that people with disabilities are a large and vibrant part of society. Libraries should be fully inclusive of all members of their community and strive to break down barriers to access. The library can play a transformational role in helping facilitate more complete participation in society by providing fully accessible resources and services.

The Americans with Disabilities Act (ADA) defines a person with a disability as “a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment.”<sup>1</sup> As such, there is no all-encompassing list of disabilities. The category of a “person with a disability” includes a broad range of individuals with a diversity of abilities, identities, and appearances. This intersectional group shares a common experience of discrimination and encountering barriers to access.

Library staff should never presuppose a person’s limits based on disability. Libraries are committed to providing equal access to collections, services, and facilities for all library users. When this is not possible, reasonable accommodations and timely remediation should be employed to provide an equivalent experience to people with disabilities. Libraries should comply with all applicable laws, including the standards and requirements of ADA and state or local disability accessibility guidelines. Libraries should consult legal counsel to determine their responsibilities under law. The *Library Bill of Rights* articles are explicated below to focus on services to people with disabilities.

**I. 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.**

Libraries should contain a diverse collection that highlights the perspectives of marginalized groups, including people with disabilities. Historically, these groups have not been treated equitably and it is the responsibility of the library to act in a legal, ethical, and inclusive manner to meet the information needs of all patrons.

In addition to including diverse perspectives in the library collection, the collection itself should be accessible to all users. All library resources, including its website and online resources, should be available in formats accessible to people of all ages and abilities.

Library administrators should educate themselves about technical and legal standards for digital accessibility, and manage staffing and resources to provide equal access. Library administrators should support librarians and technical staff to meet these standards through a combination of professional development, planning for time needed to develop accessible library websites and other content, and outsourcing as needed.

Library administrators should also ensure that their institutions work closely with vendors to address accessibility concerns and that vendors provide reasonable timelines to remediate accessibility problems before the library agrees to license, subscribe to, or purchase a digital resource or product.



Access to materials should not be restricted by any presuppositions about information needs, interests, or capacity for understanding. Library staff should actively research and integrate existing and emerging accessible technologies and provide services to assist patrons when conflicts exist. The availability of these technologies and services should be marketed and available to all patrons. When libraries present information in formats that are accessible to all users, and do not limit access to physical facilities or virtual library structures, they eliminate barriers to information.

**II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.**

Within their fiscal and physical limits, libraries should seek to add diverse voices on all topics to the collection, including the words and depictions of people with disabilities. People with disabilities are to be reflected in the collection not as a single group but as an intersectional part of the community, across age, race, gender, class, and orientation. In order to be inclusive, libraries must provide accurate, up-to-date, and representative materials in their collections to meet the information needs of their users. The collection should also preserve historic materials that reflect an accurate depiction of the progress toward inclusion and equality that has occurred within American society.

**III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.**

Too often, acts of censorship silence the voices of those already marginalized. Libraries provide opportunities for all people to be heard, including those with perspectives that are voiced less often or less loudly. Library staff should not allow their personal and professional biases to dictate or inform services or resources. As stated in “Equity, Diversity, Inclusion: An Interpretation of the *Library Bill of Rights*,” “Libraries should counter censorship with inclusion.”<sup>2</sup>

**IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.**

As part of a commitment to free access, library staff should proactively reach out to individuals with disabilities, as well as advocacy and support organizations, to create formal or informal partnerships with them. This same model of partnership and communication should be used when planning programming, adding to the collection, and making physical modifications to library spaces. Library staff should include as many diverse segments of the community it serves as possible in every step of planning and implementation processes.

**V. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.**

A person’s right to use a library should not be denied or abridged because of a disability, whether actual or perceived. Library staff should consider whether policies and procedures are inclusive of people of all abilities.

Physical access to the library should also not be a barrier to library use. Buildings should be accessible and when this is not possible, reasonable accommodations should be offered.

Libraries should provide training opportunities for all staff and volunteers. Training should include effective techniques for providing services for users with disabilities, as well as for working with

colleagues with disabilities. Libraries should adopt policies to ensure that people with disabilities have an opportunity to serve as members of the library staff, administrative units, and governing boards.

To be truly accessible to all, libraries should provide reasonable accommodations such as sign language interpreters, open captions during presentations, and audio description during programming when requested by users or attendees.

**VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.**

If a library provides exhibit spaces and meeting rooms to its patrons, those spaces should be as physically accessible as all public areas are required to be. Examples of reasonable structural modifications include automatic doors, handrails, elevators, ramps, and clear travel paths. The library should also provide accessible tables, desks, restrooms, and parking. Information on the physical facility must be included on the library's website in an accessible format.

The *Library Bill of Rights* states, "All libraries are forums for information and ideas."<sup>3</sup> By working to remove barriers to access, libraries promote the full inclusion of people with disabilities into society.

1. "[A Guide to Disability Rights Laws](#)," U.S. Department of Justice, July 2009.
2. "[Equity, Diversity, Inclusion: An Interpretation of the \*Library Bill of Rights\*](#)," adopted June 27, 2017, by the ALA Council.
3. [Library Bill of Rights](#), 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; inclusion of "age" reaffirmed January 23, 1996.

Adopted January 28, 2009, by the ALA Council *under the previous name* "Services to Persons with Disabilities"; amended June 26, 2018.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “Services to People with Disabilities: An Interpretation of the Library Bill of Rights”**

**Services to People with Disabilities**

The American Library Association (ALA) recognizes that people with disabilities are a significant and vibrant part of society. Libraries should be fully inclusive and work to remove barriers to access. By providing accessible resources and services, libraries can help all users take part more fully in their communities and promote the full inclusion of people with disabilities.

The Americans with Disabilities Act (ADA)<sup>1</sup> defines a person with a disability as:

- someone with a physical or mental impairment that substantially limits one or more major life activities;
- someone with a history or record of such impairment; or
- someone who is perceived by others as having such an impairment.

There is no exhaustive list of disabilities. The term “person with a disability” includes people with a diversity of abilities, identities, and appearances. This intersectional group shares common experiences of discrimination and barriers to access.

Libraries must follow all applicable laws, including the ADA requirements and state or local disability accessibility guidelines. Libraries should check with legal counsel to understand their legal responsibilities.

Libraries should

- learn about the technical and legal standards for digital accessibility;
- offer training for staff and volunteers on how to serve users with disabilities and work with colleagues who have disabilities;
- provide equal access to collections, services, and facilities for all users. If full access is not possible, libraries should quickly provide reasonable accommodations so people with disabilities have a similar experience;
- have policies and procedures which are inclusive of people of all abilities; and
- have policies to support hiring people with disabilities and including them on governing boards.

Libraries remove barriers to information when they offer content in accessible formats. Library workers should research and use new and existing accessible technologies to support users. Libraries should provide equal access to physical and online spaces and make sure all users know these tools and services are available.

Library workers

- should never assume a person’s limits based on disability.
- should not let their personal and professional biases shape services or resources.

- should connect with people with disabilities and advocacy and support groups to build partnerships. These partnerships should help guide program planning, collection development and changes to library spaces.
- should include as many diverse community members as possible in all stages of planning and implementation.

### **Library Resources and Collections (print and online)**

Libraries must act legally, ethically, and inclusively to meet the information needs of all users. This should include materials by and about people with disabilities. This group has historically not been treated equitably. Libraries should not limit access to materials based on assumptions about what users need, are interested in, or can understand. The collection should include perspectives by persons with disabilities and representation across:

- age;
- race;
- gender;
- class; and
- orientation.

To be inclusive, libraries must provide accurate, up-to-date, and representative materials. They should also preserve historic materials that show the progress toward inclusion and equality in American society.

Library collections should also be accessible to everyone. All resources should be available in accessible formats to people of all ages and abilities. This includes the library website and online resources. Library administrators should work closely with vendors to ensure accessibility of resources. They should make sure vendors set reasonable deadlines to fix accessibility issues. Libraries should not license, subscribe, or buy a resource or product until these issues are addressed.<sup>2</sup>

### **Physical Spaces, Exhibits, Meeting Rooms and Programs**

Physical access should never stop anyone from using the library. Buildings should be accessible, or reasonable accommodations should be provided.

Information about the library facility should be available on the library's website in an accessible format.

If libraries offer exhibit spaces and meeting rooms, these spaces should be as physically accessible as other public spaces. Examples of accessible features include:

- automatic doors;
- handrails;
- elevators;
- ramps;
- clear travel paths;
- accessible tables, desks, restrooms and parking.

To ensure accessibility for all, libraries should provide reasonable accommodations, including:

- sign-language interpreters;

- open captions during presentations; and
- visual description during programming.

These accommodations should be available upon request. Information about all available accommodations and how to request them should be easily accessible to all users in-person and on the library website.

### **Privacy, Confidentiality and Censorship**

A person's rights to privacy and confidentiality and quality of service should not be affected based on their disability.

Censorship often silences the voices of those who are already marginalized. Libraries give everyone a chance to be heard, including those whose voices are quieter or heard less often. As stated in *Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights*, "Libraries should counter censorship by practicing inclusion."<sup>3</sup>

### **NOTES**

1. U.S. Department of Justice, "Guide to Disability Rights Laws," last modified July 2009, <https://www.ada.gov/cguide.htm>.
2. Fact Sheet: New Rule on the Accessibility of Web Content and Mobile Apps Provided by State and Local Governments," last modified April 2024. <https://www.ada.gov/resources/2024-03-08-web-rule/>
3. "Equity, Diversity, Inclusion: An Interpretation of the Library Bill of Rights," adopted June 27, 2017, by the ALA Council. <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/EDI>

## ***APPENDIX #26***

### **CURRENT INTERPRETATION**

#### **User-Generated Content in Library Discovery Systems**

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

<sup>1</sup> "[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."

<sup>2</sup> *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541 (S.D.N.Y. May 23, 2018).

<sup>3</sup> *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.

<sup>4</sup> *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; June 24, 2019.

Adopted January 12, 2016, by the ALA Council; amended June 24, 2019.

**ACTION ITEM: The Intellectual Freedom Committee moves the adoption of the following action item: “User-Generated Content in Library Discovery Layers: An Interpretation of the Library Bill of Rights”**

**User-Generated Content in Library Discovery Layers**

Libraries offer a variety of systems that provide access to the resources in their collections.

Examples of such systems include, but are not limited to:

- the library catalog;
- institutional repositories;
- digital collections; and
- discovery layers.<sup>1</sup>

Some of these systems also let users add their own comments, reviews, or ratings. This makes the library experience more engaging by allowing people to share their thoughts. Creating this shared knowledge can show the value of libraries as places for information and learning.

Discovery layers may let users add commentary, reviews, and ratings (e.g., one star to five stars), or participate in discussions. When users add content, the library should clearly show the difference between user-generated content and library-generated content. Libraries should avoid giving the impression that they endorse or disapprove of any content. User-generated content can influence search results (e.g., content with higher ratings may appear first). Such features should not be turned on by default. Users should have the option to search by ratings or other user-generated content.

Libraries do not have to allow user-generated content. A publicly funded library can set rules to limit who can add content and what content they can add. These rules can’t be based on the users’ views, beliefs, or affiliations.<sup>2</sup> For example, the library may require users to have a valid library card or an online account to add content through the discovery layer.

Commenting systems in publicly funded libraries may be considered limited public forums. Libraries that allow users to add content should have policies that explain when, where, and how people can contribute. Any restrictions must be reasonable and not based on users’ views, beliefs, or affiliations.<sup>3</sup> Libraries should:

- regularly review policies with legal counsel;
- share policies with staff; and
- make the policies available to the public in the main languages spoken in the community.

Libraries must protect the privacy of users who add content to discovery layers. They should review the privacy policies of any vendors that manage or store user-generated content. Libraries should encourage users to review these policies. Users should give consent before personal information is collected and shared with third-parties. Lastly, libraries have a duty to keep all library-use data safe and private.<sup>4</sup>

**NOTES**



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. 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 July 1, 2014; and June 24, 2019.