

Florida Library Association

Intellectual Freedom Manual

2014

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I. Introduction

Intellectual Freedom is the ability to think, to reason and to consider both ideas and actions. It includes the ability to seek information to help form opinions as well as the ability to express that opinion in speech or in writing. It is an essential part of our democratic government because it helps insure an informed electorate and allows the public to assist in forming public opinion through debate and discussion.

Library workers and supporters have long understood the close tie that exists between libraries and a strong, democratic society. They know that libraries must be able to provide access to a wide range of materials on many different subjects and from many points of view. They understand that access must be provided without restriction or outside scrutiny. And they know that the true answer to requests to restrict, or censor, is more speech, not less speech. In a true democracy, ideas are tested through examination and discussion and libraries provide access to information on all sides of controversial issues.

This manual was first published in 1990 and was updated in 1993, 2009, and 2014. The need for the information it provides has not diminished. In fact, in many ways, the need has greatly increased. Since the first version of this manual was published the Internet has become a key resource in libraries, bringing with it myriad challenges to information access and patron privacy. Laws enacted in the wake of the terrorist attacks of September 11, 2001 have threatened the rights of library users and challenged librarian ethics. The immediacy and global reach of 24 hour cable news and social media services has mobilized would-be censors more than ever before. Challenges to library materials, website access, textbooks, art exhibits, meeting room policies and more continue based on content - including words, ideas and graphics.

The Florida Library Association believes that all citizens have a right to free inquiry and the corollary rights to freedom of speech, freedom to read and freedom of choice. The Association also believes that it is a primary right and responsibility of every library worker to defend and preserve these rights. We hope this manual will provide guidance and support as you deal with censorship issues from either individuals or organized groups.

The Florida Library Association Intellectual Freedom Committee extends its gratitude to all who contributed their time, experience and knowledge to the creation and update of this document. A special thank you to the Colorado Association of Libraries and the Texas Library Association for their willingness to share portions of their respective IF manuals with FLA in preparing this handbook. The Intellectual Freedom Manual prepared by the Office for Intellectual Freedom of the American Library Association was another essential reference source.

"Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us."-Supreme Court Justice William O. Douglas," The One Un-American Act." Nieman Reports, vol. 7, no. 1 (Jan. 1953): p. 20.

II. Intellectual Freedom Statement

The Florida Library Association holds that the freedom to read is a corollary of the constitutional guarantee of freedom of the press. Freedom of choice in selecting materials is a necessary safeguard to the freedom to read, and shall be protected against attempts by censors to abridge it. The Association believes that citizens shall have the right of free inquiry and the equally important right of forming their own opinions, and that it is of the utmost importance to the continued existence of democracy that freedom of the press in all forms of public communication be defended and preserved. The Florida Library Association subscribes in full to the principles set forth in the *LIBRARY BILL OF RIGHTS* of the American Library Association, Freedom to Read Statement, and interpretative statements adopted thereto.

III. The Charge of the FLA Intellectual Freedom Committee

The Intellectual Freedom Committee serves as a resource for libraries where materials are challenged and on issues related to intellectual freedom. It is responsible for keeping abreast of statewide and national issues and challenges, for disseminating such information to FLA members, for promoting awareness of intellectual freedom issues and for maintaining the *Intellectual Freedom Manual*.

Committee responsibilities as outlined in the Florida Library Association Manual:

1. Maintains vigilance with regard to encroachments on intellectual freedom in the State and nation.
2. Acts in an advisory capacity to the Executive Board in safeguarding the rights of Florida library users in accordance with the Bill of Rights of the United States and the *Library Bill of Rights* as adopted by the American Library Association.
3. Investigates any cases of censorship pressure on libraries in Florida.
4. Reports the results of investigations in Association publications.
5. Proposes a program for the annual conference at least once every two years.

IV. Assistance from the FLA Intellectual Freedom Committee

The Florida Library Association cannot provide legal counsel or direct funding to handle requests for reconsideration of materials but will, through its Intellectual Freedom Committee, offer the skills, experience and energy of its membership to defend established intellectual freedom principles. The Florida Library Association is currently located at 541 East Tennessee Street, Suite 103, Tallahassee, FL 32308. For assistance with Intellectual Freedom Issues, please contact the FLA Office at 850-270-9205, or fax at 850-270-9405 or email Executive Director Martina Brawer at martina.brawer@comcast.net. A copy of the form [LIBRARIAN'S REPORT AND REQUEST FOR ASSISTANCE](#) is included on page 23 of this document.

To help it respond on behalf of libraries and librarians in Florida who have received requests for reconsideration of items in their collections, the FLA Intellectual Freedom Committee needs to be aware of such incidents. Any Library employee, Friend or trustee who knows of a problem is encouraged to contact the FLA Office. Every effort will be made to respond to reported incidences with guidance that is timely, practical and effective. FLA/IFC will never usurp the local librarian's prerogative to resolve his or her own problem as the local context deems suitable or necessary. As may be deemed necessary, FLA/IFC will report serious incidents to the Office for Intellectual Freedom of the American Library Association.

V. Preparing for the Censor

The best defense against the censor is careful and thorough planning prior to a challenge. Steps should include the following:

Have in place:

1. Written mission statement defining the kinds of service the library will offer.
2. Written policies including but not limited to policies on material selection and collection development, confidentiality of patron information, meeting room use, programs and exhibits, formally adopted by the governing body and periodically revised. It is important

that libraries communicate these policies to the public and make them easily accessible via the website or other means.

3. Governing body endorsement of the *Library Bill of Rights*, the *Freedom to Read* and *Freedom to View* statements, and other important Intellectual Freedom documents.
4. Written procedures that include how to handle concerns and requests for reconsideration of materials or services.

Be prepared:

1. Regularly train staff, volunteers and trustees about the library's policies and the principles of intellectual freedom.
2. Regularly train staff and volunteers in public service techniques, including how to handle complaints or expressions of concern.
3. Be sure that documents and forms are readily available to all staff.
4. Know how to access local, state and national organizations with resources to assist libraries.
5. Be familiar with the ALA Intellectual Freedom Manual and the FLA Intellectual Freedom Manual.
6. Identify local groups or individuals interested in maintaining Intellectual Freedom in libraries and develop ongoing relationships with these groups.
7. Know what legal counsel is available to the library and its staff.
8. Be familiar with local, state and federal legislation.

A. Library Mission Statement /Statement of Principles

A mission statement is the broad, philosophical statement of the purpose of the library, specifying the fundamental reasons for its existence. It gives direction to the library by establishing the scope of the library's activities and providing a framework for and justification of the library goals, objectives and policies. It should be adopted by the governing body and understood by all staff and volunteers. The mission statement should be concise, simple and direct and should establish the context for all policies supporting the activities of the library.

The mission statement may also be expressed as a statement of principles or a guiding philosophy.

B. Material Selection Policy

The Florida Library Association and its Intellectual Freedom Committee believe that every library, in order to strengthen its collection development process and to provide an objective basis for defending material when challenged, should develop an official, written Materials Selection Policy based on the needs of the library's users and in conformity with the *Library Bill of Rights*, and that policy must be approved by the library's governing authority. A written selection policy is a working document; it should be reviewed and, if necessary, revised annually.

Elements of a Materials Selection Policy should include:

1. Purpose and goals of the library (mission statement, principles, philosophy and/or goals).
2. Purpose of the Material Selection policy.
3. Community profile (description of clientele to be served).
4. Organization of the selection process.
 - a. Legal responsibility for selection
 - b. Authority for selection decisions
 - c. Qualification of selectors
5. Criteria for selection
 - a. Present and potential relevance to community needs
 - b. Relevance of subject, format, and reading level for intended audience
 - c. Importance as a document of the times

- d. Literary and artistic merit
 - e. Accuracy of content
 - f. Appropriateness and effectiveness of medium to content
 - g. Meets the needs of a specific group of users, e.g., visually impaired
 - h. Format is appropriate to library use and is not easily damaged
 - i. Reputation and/or significance of author, publisher or producer
 - j. Author or producer is already represented in the collection
 - k. Author or illustrator is local
 - l. Positive reviews by critics, staff members and/or professional journals
 - m. Coverage in local or popular media
 - n. Popularity with library patrons
 - o. Continuation of a series
 - p. Balances existing materials in the collection
 - q. Enhances a specific collection in the library
 - r. Insufficient materials available on the subject
 - s. Not available from other lending sources
 - t. Within limits of budget for materials
 - u. Winners of recognized awards
6. Formats (types of materials to be included in the collection).
 - a. Print including books, newspapers, periodicals, government documents, etc.
 - b. Non-Print including DVD's, CD's, microforms, educational games and toys, realia, etc.
 - c. Electronic including on-line services, software, databases, etc.
 7. Special Collections
 - a. Local History
 - b. Genealogy
 - c. Large print
 - d. Foreign language
 8. Limits of collection (areas in which the library will not purchase).
 - a. Formats
 - b. Abridgments
 - c. Space and monetary limitations
 9. Gift and Memorial policy
 - a. Materials
 - b. Personal property and money
 - c. "No strings attached" policy
 10. Preservation policy
 - a. Binding
 - b. Microfilming
 - c. Restoration
 - d. Housing
 11. Replacement and duplicates policy
 12. Library's role in cooperation, e.g., coordinated buying agreements, interlibrary loan
 13. Weeding, withdrawing and discarding policies
 14. Request for reconsideration of materials
 - a. Procedure for handling requests
 - b. Reconsideration of materials form
 15. Re-evaluation of materials selection policy
 - a. How often
 - b. By whom
 16. Approval by governing body
 17. Intellectual Freedom Statements
 - a. First Amendment to the Constitution
 - b. *Library Bill of Rights*
 - c. Freedom to Read Statement
 - d. Freedom to View Statement

- e. Free Access to Libraries for Minors
- f. Statement on Labeling

C. Sample Policies

[Links to several sample policies](#) can be found at the end of this document.

D. Maintain a clearly defined method for handling complaints

- a. Create a standing committee or have a procedure in place for establishing an ad hoc committee to respond to all requests for reconsideration.
- b. Do not discuss the request with anyone outside of the library staff and governing body officials who need to know.
- c. Respond to the patron filing the complaint in a timely manner regarding the library's ruling.

VI. Dealing with Challenges to Library Resources

Libraries that succeed in developing diverse collections are likely to receive expressions of concern and requests to reconsider materials. It is the responsibility of every library worker to handle these complaints in a respectful and fair manner. No matter how well a library prepares, it will not prevent all complaints from coming. The key to successfully handling these complaints is to be sure the library staff and the governing authorities are all knowledgeable about collection and selection policies, complaint procedures and their implementation.

A. Internal Response

1. Try to resolve the issue informally at the point of initial contact. Listen to the patron's objections in a calm, courteous, and reasonable manner, seeking to defuse the situation using good communications techniques to help people understand the need for diversity in library collections and resources without committing the library to any specific course of action. Often, patrons merely want to express their concern and have no intention of lodging an official complaint. Many complaints about library materials are resolved informally.
2. Always remember, every citizen has the right to request reconsideration of the existence of an item in the collection, an item's placement in the library, or the process for access. They do not, however, have the right to remove items from the collection. That decision rests with your governing body and in accordance with your library's policies.
3. If the complainant is not satisfied and wishes to pursue formal action, refer the patron to your administrator or the librarian designated to handle such problems. The librarian should explain the library's reconsideration process, including the approximate timeframe, and supply a Request for Reconsideration of Library Materials form.
4. All formal requests for reconsideration must be made using the approved form. ([See samples.](#)) A request made verbally and not submitted on a form should not get a response from administration. Letters requesting reconsideration of an item should be answered with a request to fill out the official form to ensure that all pertinent information is collected. It is recommended that complainants read, listen to, or view the material in its entirety before submitting a complaint, and cite specific reasons for their objections.
5. Forward the Request for Reconsideration and any other relevant documents to the appropriate staff member(s) immediately upon receipt.
6. The responsible administrator should inform the governing body of the reconsideration request and activate the review committee as soon as possible. The review should be completed in a timely manner, and follow any established timelines. Ensure all members of the review committee:
 - a. Read, listen to, or view the challenged item in its entirety.
 - b. Review background material, such as reviews, awards, previous use in the library as necessary to establish whether the item meets selection and retention criteria.

- c. Read and understand the library's Materials Selection Policy.
 - d. Discuss or share opinions and background information.
 - e. The committee has only one responsibility and that is to determine if the material falls within the material selection policy. A recommendation to remove material from the collection should only come if the item does not fall within the collection development policy of the library.
 - f. Provide a report and recommendation to administration.
7. The administrator should review the committee's recommendation and inform the complainant of the decision by letter within the stated time frame established by the policy. If the request for removal is denied, inform the complainant about the ability and policy for appeal.
 8. The administrator should advise the governing body of the decision and provide the members copies of the administrator's correspondence to the complainant.
 9. Requests for appeal must be written and should follow the appeals process established in the materials selection policy. In many cases, the appeal process may go to the library's governing body and may be addressed in a public meeting. Be sure the governing body has a full record of the information needed to make an informed decision.

B. External Response

1. Report all formal Requests for Reconsideration to the FLA Executive Director, who will inform the Intellectual Freedom Committee. Use the Librarian's Report and Request for Assistance Form ([link](#)). The Intellectual Freedom Committee will consider the case and, if warranted and requested, provide appropriate support within its means.
2. Depending on the nature and urgency of the incident, contact the American Library Association's Office for Intellectual Freedom and/or other interested organizations. Contact information for many helpful groups is attached ([link](#)).
3. Libraries have been seeing an increasing number of organized challenges to library materials. With the prevalence of the Internet and popularity of social media, one person or group can communicate with a large and geographically diverse group of people with similar philosophies. Some ways you may be able to identify an organized challenge are listed below, however every challenge should be treated as a unique and separate event, and every complainant should be addressed individually.
 - a. More than one challenge to the same item or to items with similar themes.
 - b. Form letter or similar language/wording used for complaint.
 - c. Other libraries reporting complaints for the same/similar items.
 - d. Identification of a web site or other method of communication targeting the challenged item.
4. The local newspaper, radio station or television station may hear about a request for reconsideration. Identify the person who will speak for the library and refer all requests for interviews to that person. In large organizations, there may be a Public Information Officer. Frequently, the Library Director acts as the spokesperson for the library.
 - a. Develop a written press release that can be provided to all members of the press.
 - b. Present the facts, including the title of the items and the nature of the request. Refer to pertinent library policies and the steps to be taken. Provide the timeframe for acting on the request.
 - c. Do not identify the individual who has made the request.
 - d. Do not repeat negative trigger words used by the media. Emphasize the fact that it is the library's responsibility to provide the broadest possible variety of materials and services for the widest spectrum of community members.
 - e. Encourage individuals or groups who want to speak in favor of the library. Make sure they have the facts of the case.
 - f. Build on-going relationships with local media. Freedom of Speech and Freedom of the Press go hand in hand, and the media can be an ally.
5. Assert the principles of the *Library Bill of Rights* as a professional responsibility. Library materials found to meet the standards set in the materials selection policy should not be removed from public access until after an adversary hearing. Laws governing obscenity,

- subversive materials and other questionable matter are subject to interpretation by courts.
6. If the case warrants, seek legal advice through the library's governing authority.

VII. The Librarian as Censor

Librarians and library workers are censors when they:

- A. Fail to acquire a title that the public would find useful and is within the selection policy but might cause questions or controversy.
- B. Limit a class of users from certain materials.
- C. Remove or restrict access to materials which might be deemed controversial.
- D. Label some materials in order to "warn" possible users.
- E. Respond to a challenge by removing materials without benefit of reconsideration process.
- F. Avoid updating selection or reconsideration policy that is out of date rather than facilitate governing board understanding the *Library Bill of Rights* and how its interpretations apply.
- G. Obliterate or otherwise change illustrations or language in material in order to avoid possible complaints.
- H. Argue that to present all points of view on a subject would offend some users.
- I. Deny library use to someone based on age, gender, views or background.
- J. Assist in developing institutional policies that exclude some users from free access.
- K. Cooperate in violating a user's right to privacy of library records.
- L. Provide meeting room space to some groups rather than others based on intent to limit free expression.
- M. Limit acquisition of library cards based on age or grade level.
- N. Charge fees or require deposits for some users based on discrimination against certain groups.
- O. Shrink from providing completely free access to materials that they find disagreeable.
- P. Neglect services that provide full access to individuals with physical or mental impairment.
- Q. Ignore the responsibility for educating the public on the role libraries play in a democratic society.
- R. Neglect the duty of instruction in new technology.

Based on documentation from the Texas Library Association, Intellectual Freedom Committee

VIII. Confidentiality of Patron Records

A. Legal Basis

1. First Amendment to the Constitution of the United States Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. Florida Statute 257.261 Library registration and circulation records
 - (1) All registration and circulation records of every public library, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. 119.07(1) and from s. 24(a) of Art. I of the State Constitution.
 - (2) As used in this section, the term "registration records" includes any information that a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes all information that identifies the patrons who borrow particular books and other materials.

- (3)(a) Except in accordance with a proper judicial order, a person may not make known in any manner any information contained in records made confidential and exempt by this section, except as otherwise provided in this section.
- (b) A library or any business operating jointly with the library may, only for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library, disclose information made confidential and exempt by this section to the following:
1. The library patron named in the records;
 2. In the case of a library patron less than 16 years of age, the parent or guardian of that patron named in the records;
 3. Any entity that collects fines on behalf of a library, unless the patron is less than 16 years of age, in which case only information identifying the patron's parent or guardian may be released;
 4. Municipal or county law enforcement officials, unless the patron is 16 years of age, in which case only information identifying the patron's parent or guardian may be released; or
 5. Judicial officials.
- (4) Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083

B. Confidentiality Policy

It is highly recommended that each library adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential. ([Link to sample policies](#))

Elements of a Policy on Confidentiality of Patron Records includes:

1. Introduction
 - a. A general statement of the principles supporting the importance of privacy and confidentiality for library records
 - b. "Privacy is essential to the exercise of free speech, free thought, and free association. In libraries, the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others." Privacy Tool Kit, prepared by the ALA Intellectual Freedom Committee ([link](#)).
2. What will be kept private
 - a. All registration and circulation records, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. 119.07(1) and from s. 24(a) of Art. I of the Florida State Constitution and will be kept confidential by the library.
 - b. The library will "protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted." ALA Code of Ethics.
3. Exemptions
 - a. Records needed to collect fines or retrieve overdue material may be shared with the other organizations assisting in the collection of fines or the return of material.
 - b. In the case of a library patron less than 16 years of age, the parent or guardian of that patron named in the records for the purpose of collecting fines or retrieving library overdue materials.

- c. To the library patron or with written permission from the library patron.
 - d. As records are required under a valid court order or subpoena.
4. How information will be handled
- a. Notice to users of their right to privacy, the type of information that will be gathered and the purposes for and limitations on its use.
 - b. Choice, when possible on how information is collected and an explanation of how long it will be retained.
 - i. Required information, as for circulation
 - ii. Automatic, as with some web-based services
 - iii. Voluntary, as when engaging in email based reference
 - c. Users have the right to access their own personally identifiable information (PII).
 - d. The library will take reasonable steps to ensure the integrity of data.
 - e. Data will be destroyed and electronic records will be purged when their purpose has been served.

C. Library Procedures and Confidentiality

1. Bringing library procedures into compliance
- Libraries have to take care that they consider privacy in all areas of library operation, and that operating procedures support Privacy and Confidentiality Policy. Some areas to consider:
- a. Avoid creating records. Only create a record with a patron's personally identifying information when absolutely necessary.
 - b. Avoid retaining records that are no longer necessary. Check with local and state regulations to insure that you can legally purge records and establish a record retention policy and follow it.
 - c. Be aware of library practices and procedures that place information on public view.
 - d. Use reasonable caution when providing patron information over the phone.
 - e. Insure that all library staff, volunteers and trustees are trained on confidentiality issues and understand the policy and how it should be applied.
2. Examples of confidentiality violation
- a. Users requesting names of books checked out by other family members, even parents requesting names of books checked out to a minor child if that item is not overdue.
 - b. A husband wishing to pick up a reserve book for his wife without written permission.
 - c. Public sign-up sheets for use of computers or other library resources.
 - d. First and last names of children at storytimes on name tags, etc.
 - e. Teachers requesting reading records or lists of who has overdues with the names of the books included.
 - f. A parent wanting to know if their teenager has used the library computer.
 - g. A police officer wanting to know who checked out an item found near a crime scene without a valid warrant or subpoena.
 - h. Due date receipts with the users name and the name of the books printed on the receipt.
 - i. Self-service holds shelves that reveal the full names of patrons and the titles of the materials they have reserved.

D. RFID

The use of Radio Frequency Identification technology, or RFID, to circulate library materials has been presented as a method to increase library efficiency, but has also caused concern about the security of user information where tracking is possible from long distances. ALA recommends that the minimum amount of information be embedded onto the computer chip attached to the library item or user card. In most cases, this information can be limited to a bar code number or equivalent attachment number that only has meaning to the library

system software. No personally identifying information should be stored on the RFID chip. For further discussion, see the [ALA RFID in Libraries: Privacy and Confidentiality Guidelines](#).

E. “Opt in” to computer records retention

Computers are now able to store information in a variety of ways that adds to the ease and convenience of the user. People have become accustomed to this convenience in other areas of their lives and are willing to bring that convenience to their library experience. For example, Amazon keeps track of books their customers have ordered, and then lets them know when a favorite author puts out a new title. Many library users would like that service in the library, as well. However, libraries are concerned about maintaining the type of records necessary to provide that service even though the technology is readily available because of the issue of confidentiality. So many library workers ask, should a library refuse to provide a service demanded by their public or should they compromise their ethical principles?

One option is to provide the service as something the user could opt-in to. The user could make the positive choice for convenience at the expense of increased confidentiality or he or she could choose to forgo the enhancement. Whenever possible, the library should resist making the collection of unnecessary data automatic and requiring the user to opt-out, but should allow users the ability to opt-in.

IX. Law Enforcement Visits

A. Meeting with the law enforcement officer

1. Designate one person who will be responsible for dealing with requests from law enforcement. That person is usually the Library Director or his/her designee.
2. If a library staff member is approached by law enforcement, he/she should immediately refer the officer to the library director or designated administrator who will request identification.
3. When meeting with law enforcement, the administrator should always have another library colleague in attendance.
4. Be courteous but firm in explaining the library position. Explain that the library will comply when provided with a proper judicial order. It is not only a violation of the Florida Statute to disclose confidential information, it might harm the case under investigation if information is obtained illegally.
5. Provide a copy of the library policy and the Florida Statute. Many law enforcement agents are not aware of the law governing library confidentiality.
6. Resist attempts at persuasion, coercion or appeals to patriotism. The sooner the officer realizes that the library will not provide the information requested, the sooner he or she will take the necessary court action if they have the grounds to do so.
7. Call your legal counsel. Report any threats or coercion to your attorney and seek their counsel.
8. Refer any subpoena received to the counsel for review before taking any action. Through the attorney, require that any defects in the subpoena be corrected before the records are released. The subpoena must be limited strictly to required release of only specifically identified records and documents.
9. Should the party requesting information be required to submit a new subpoena, repeat the entire process.
10. The library administrator and legal counsel should review any information that may be produced in response to a subpoena and insure that only the exact information requested is provided.
11. If a court rules disclosure is required, request that the court issue an order to keep any information produced strictly confidential and limited to the purposes of the case.
12. Develop a public information statement that can be distributed to members of the public, the media or law enforcement explaining the principles behind library confidentiality. The library emphasis on confidentiality exists because the First Amendment protects every American's rights to read and view information and decide for themselves their points of

view and opinions. It does not apply only to popular beliefs, but also protects the right to hold and espouse unpopular beliefs and even protects dissent. State laws protecting the confidentiality of library information reflect a knowledge that public access to personally identifiable information would have a chilling effect on an individual's right to explore the widest variety of information. An individual's reading habits cannot be equated with his or her character or beliefs. Should there be reasonable grounds to believe that library records are involved with a criminal act, an avenue is provided to grant access to that information.

X. The USA PATRIOT Act

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act was passed shortly after the terrorist attacks of September 11, 2001. It amended 15 federal statutes, and expanded the powers of the FBI and law enforcement to gather information and conduct surveillance. The USA PATRIOT Act has been reauthorized, with modifications, several times since it was enacted. The PATRIOT Sunsets Extension Act of 2011 extended the law until 2015.

Libraries strive to provide access and information to patrons in a free and open environment. This is possible only when patrons believe that privacy and confidentiality are secure. It is the stated position of the FLA, as well as many other library and civil liberties organizations, that certain provisions of the PATRIOT Act threaten the bond of trust between libraries and their users. While law enforcement has always had access to library records in criminal cases, the PATRIOT Act extends the powers of government beyond to include the realm of intelligence. And though law enforcement was previously required to obtain warrants and subpoenas through the court system, the PATRIOT Act allows access to library records through the Foreign Intelligence Surveillance Act (FISA), the legal proceedings of which are secret.

A. Applying the PATRIOT Act to libraries

1. **Section 215** permits FBI agents to obtain library records in a wide variety of formats, including paper copies, books, floppy drives, and computer hard drives. Furthermore, disclosure of the request is limited to "any person to whom disclosure is necessary to comply with such order." The reauthorization in 2005 amended the Section 215 "gag order" to allow for an attorney to be consulted.
2. **Section 505** expanded the power of the FBI to issue National Security Letters (NSLs) to access electronic communications from Internet Service Providers and entities that provide internet access to patrons, such as libraries. NSLs do not require court approval and are subject to a gag order. Recipients DO have a right to consult an attorney.

Additional information about the USA PATRIOT Act can be found on the ALA website, <http://www.ala.org/offices/oif/ifissues/usapatriotact>.

B. Handling a law enforcement inquiry

1. Have a policy in place to handle law enforcement inquiries.
2. Seek legal counsel before acting. In the case of inquiries or demands for records under the PATRIOT Act, a gag order will likely be in place. This means that those involved with the inquiry may not disclose information or discuss the matter with anyone, including the patron whose records are in question. However, legal counsel may be sought through an attorney that serves the library. For those libraries without access to an attorney, legal counsel from the Freedom to Read Foundation's Office for Intellectual Freedom (OIF) will provide assistance (1-800-545-2433, ext. 4223). Inform the OIF staff that you require legal assistance, but do not disclose any other information until you speak with legal counsel.
3. Be prepared to comply with the order. FISA letters do not provide many options for appeal.

XI. Other library policies and Intellectual Freedom

Although intellectual freedom issues are most frequently thought of in connection with library materials and patron confidentiality, they also cover all access to library facilities and services. Policies in these areas should confirm the same rights as are covered in Materials Selection and Confidentiality Policies. They should unequivocally state that services will be provided without prejudice, and that access or service will not be denied based on content, but only limited based on time, place or manner when those factors are equitably applied.

A. Meeting Room Use

1. If meeting rooms in libraries supported by public funds are made available to the general public for non-library sponsored events, the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates.
2. Written policies for meeting room use should be stated in inclusive rather than exclusive terms such as the library's facilities are open "to organizations engaged in educational, cultural, intellectual, or charitable activities."
3. Factors that may be included are:
 - a. Frequency of use.
 - b. If meetings must be open to the public.
 - c. If meetings must be free. Allowing a charge can indirectly restrict access to library meeting rooms based on an individual's or group's ability to pay.

B. Exhibit Spaces and Bulletin Boards

1. The use of exhibit spaces and bulletin boards should mirror the collection development philosophy of the library and should conform to the *Library Bill of Rights*.
 - a. Space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."
 - b. "Materials should not be excluded because of the origin, background, or views of those contributing to their creation."
 - c. "Materials should not be proscribed or removed because of partisan or doctrinal disapproval."
2. Displays should present a variety of viewpoints.
4. Written policies for exhibits and bulletin board use should be stated in inclusive rather than exclusive terms such as the library's facilities are open "to organizations engaged in educational, cultural, intellectual, or charitable activities."
3. Content neutral limitations, such as frequency and duration of use, may be set.

C. Public Internet Use

The Internet is a major source of information for most people and is an essential part of library service. Increasingly, it is also a vital method of communication, particularly in the realm of e-government. It is essential that every library have a policy on Internet use. Some elements that should be included are:

1. The principles of Intellectual Freedom do not change, regardless of the format. The library does not exist to limit access to information.
2. However, a disclaimer should be included warning that the Library cannot be responsible for what is found on the Internet.
3. A statement defining acceptable use.
4. Any limitations on use for minors.
5. Any use of filtering, and the ways filters can be unblocked if used.
 - i. The Children's Internet Protection Act (CIPA) is a federal law that places restrictions on the use of federal funding made available through the Library Services and Technology Act (LSTA), Title III of the Elementary and Secondary Education Act, and on the Universal Service discount program known as the E-rate. CIPA compliant schools and libraries must have an internet safety policy and use technology measures to filter internet access. More information about CIPA can

be found on the American Library Association website,
<http://www.ala.org/advocacy/advleg/federallegislation/cipa>.

See the ALA's Libraries and the Internet Toolkit: Internet Use Policies webpage for additional information, <http://www.ala.org/Template.cfm?Section=litoolkit>.

D. Social Networking

As the popularity of social media services grows, so do concerns over the privacy and safety of their users. FLA, ALA and other library organizations strongly recommend education on using these tools safely.

E. Free access to libraries for minors

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." One of the most frequently challenged, and most frequently abused, principles of library service, this is an area that every library should pay special attention to. Some age-based limitations may include, but are not limited to:

1. Restricting access to reference areas or areas of the stacks that are otherwise open to the public.
2. Issuing limited access cards, or otherwise restricting the circulation of materials, based on the age or school grade level of the user.
3. Sequestering or otherwise restricting access to material because of its content and/or requiring written permission of a parent or guardian to access restricted materials.
4. Restricting access to or refusing to process Interlibrary Loans, electronic reference or other services based on age or school grade level.
5. Restricting access to specific formats based on patron age or school grade level.
6. Restricting access to library sponsored programs or events otherwise designed for general audiences, based on age or school grade level. (Concerns about possible behavior issues can be addressed by the library Code of Conduct statement, and should apply to every user of the library.)

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. 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.
2. 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.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. 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.

Adopted June 18, 1948, by the ALA Council; amended February 2, 1961; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

Interpretations of the *Library Bill of Rights*

The American Library Association has developed interpretations of the *Library Bill of Rights* to help answer questions that arise when these principles are applied. These interpretations are included in the American Library Association's *Intellectual Freedom Manual*, and are also available online at the *Intellectual Freedom Manual* website, <http://www.ifmanual.org/part2section2>.

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read. Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers. Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

[American Library Association](#)
[Association of American Publishers](#)

Subsequently endorsed by:

[American Booksellers Foundation for Free Expression](#)
[The Association of American University Presses, Inc.](#)
[The Children's Book Council](#)
[Freedom to Read Foundation](#)
[National Association of College Stores](#)
[National Coalition Against Censorship](#)
[National Council of Teachers of English](#)
[The Thomas Jefferson Center for the Protection of Free Expression](#)

Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. **We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.**
- II. **We uphold the principles of intellectual freedom and resist all efforts to censor library resources.**
- III. **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.**
- IV. **We respect intellectual property rights and advocate balance between the interests of information users and rights holders.**
- V. **We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.**
- VI. **We do not advance private interests at the expense of library users, colleagues, or our employing institutions.**
- VII. **We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.**
- VIII. **We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.**

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

Sources of Assistance on Intellectual Freedom Issues

Florida Library Association
Intellectual Freedom Committee or
Executive Director Martina Brawer
541 East Tennessee Street, Suite 103
Tallahassee, FL 32308
850-270-9205
850-270-9405
martina.brawer@comcast.net; <http://www.flalib.org/>

Office of Community Development
State Library and Archives of Florida
R.A. Gray Building
Tallahassee, FL 32399-0250
Ph 850-245-6636
Fax 850-245-6643
info@dos.myflorida.com; http://info.florida.gov/index_librarians.cfm

Office for Intellectual Freedom
American Library Association
50 East Huron Street
Chicago, IL 60611
1-800-545-2433 Ext 4223
Fax: 312-280-4227
oif@ala.org; <http://www.ala.org/offices/oif>

Freedom to Read Foundation
50 East Huron Street
Chicago, IL 60611
Telephone: 800-545-2433, ext. 4226
Fax: 312-280-4227
frf@ala.org; <http://www.frf.org/>

American Civil Liberties Union of Florida
225 N.E. 34th Street, Suite 208
Miami, FL 33137
305-576-2337
acluf@acluf.org; <http://acluf.org/>

People For the American Way
2000 M Street, N.W., Suite 400
Washington, DC 20036
202-467-4999
<http://www.pfaw.org>

Sample Policies and Forms

Request for Reconsideration forms

Texas Library Association: <http://www.tsla.org/IF-challenges>

State Library of Michigan: http://www.michigan.gov/libraryofmichigan/0,2351,7-160-19270_54792-101797--,00.html

American Library Association, Sample Request form:

<http://www.ala.org/bbooks/challengedmaterials/support/samplerereconsideration>

San Francisco Public Library: <http://sfpl.org/pdf/about/administration/sfpl073.pdf>

Request for Reconsideration policy (see also Materials Selection Policy)

Lake County Library System: <http://www.mylakelibrary.org/pdfs/policies/LCC12.pdf>

Douglas County Libraries, CO: <http://douglascountylibraries.org/print/book/export/html/5998>

Meeting Room policy

Jacksonville Public Library: <http://jpl.coj.net/branchmeetingrooms/branches-new-no-button.html>

Ripon Public Library:

<http://www.riponlibrary.org/sites/www.riponlibrary.org/files/Meeting%20Room%20Policy%202010.pdf>

Clearwater Public Library: <http://myclearwater.com/cpl/meetingroom-rez.asp>

Lake County Library System: <http://www.mylakelibrary.org/pdfs/policies/LCC61.pdf>

Orange County Library: <http://www.ocls.info/About/BOT/PDFs/Policies/MeetingRoomPolicy.pdf>

Pasco County Library System: <http://pascolibraries.org/about-us/policies/meeting-room-policy/>

Santa Rosa County Library System:

<http://www.santarosa.fl.gov/libraries/documents/MeetingRoomPolicy.pdf>

Meeting Room application form

Jacksonville Public Library: http://jpl.coj.net/common/pdfs/meetingroom_branch_2009.pdf

Lake County Library System: <http://www.mylakelibrary.org/pdfs/policies/LCC61-AttachmentB.pdf>

Manatee County Public Library:

<http://www.mymanatee.org/home/government/departments/neighborhood-services/library/meeting-rooms.html#jump4>

Sarasota County Libraries: <https://www.scgov.net/Library/Libraries/Pages/MeetingRooms.aspx>

Hillsborough County Public Library Cooperative:

http://www.hcplc.org/hcplc/tech/forms/printable/meeting_room_application.pdf

Exhibit Space, Bulletin Board, Handout policies

Pasadena Public Library: <http://www.ci.pasadena.ca.us/library/exhibit-policy.asp>

Orange County Library:

<http://www.ocls.info/About/BOT/PDFs/Policies/BulletinBoardBrochureDisplayPolicyUpdate.pdf>

Pasco County Library System: <http://www.pascolibraries.org/about-us/policies/display-area-policy/>

UFL George A. Smathers Libraries: <http://exhibits.uflib.ufl.edu/docs/ExhibitsPolicy.pdf>

Flagler County Public Library Bulletin Board/Pamphlet Display Policy:

<http://www.flaglercounty.org/DocumentCenter/Home/View/415>

Exhibit Space application form

Samford University: <http://library.samford.edu/about/policy/exhibitspace.pdf>

Southfield (MI) Public Library: <http://www.southfieldlibrary.org/wp-content/uploads/2014/02/Newandimprovedexhibit-application.pdf>

Materials Selection policy

University of North Florida:

<http://www.unf.edu/uploadedFiles/aa/library/about/policies/collectiondevelopmentpolicy2009.pdf>

Boca Raton Public Library: http://www.bocalibrary.org/cd_guidelines.htm

Lake County Library System: <http://www.mylakelibrary.org/pdfs/policies/LCC11.pdf>

Orange County Library: <http://www.ocls.info/About/BOT/PDFs/Policies/MaterialsManagement-PolicyJan2005.pdf>

Pasco County Library System: <http://www.pascolibraries.org/about-us/policies/collection-development-policy/>

Sarasota County Libraries:

<https://www.scgov.net/Library/Libraries/ServicesPolicies/CollectionDevelopmentPolicy.pdf>

Confidentiality Statement

Alachua County Library:

http://www.aclib.us/files/2011_docs/Confidentiality_of_Patron_Records_022011.pdf

Largo Public Library: <http://www.largo.com/egov/apps/document/center.egov?view=item;id=10761>

Hernando County Public Library:

http://www.hcpl.lib.fl.us/index.php?option=com_content&view=article&id=77:patron-privacy-a-confidentiality-policy&catid=59:library-policies&Itemid=76

Orange County Library: <http://www.ocls.info/About/BOT/PDFs/Policies/PrivacyPolicyRevisedNov2006.pdf>

Pasco County Library System: <http://pascolibraries.org/about-us/policies/confidentiality-of-library-records-policy/>

LIBRARIAN'S REPORT AND REQUEST FOR ASSISTANCE

Information provided in this report will be used by the Intellectual Freedom Committee of the Florida Library Association (FLA) to record censorship incidents in Florida. The information will also be used by the Committee to assist, if requested, in resolving the incident described. The report will be treated as confidential by FLA unless the reporting librarian authorizes otherwise.

Librarian's Name _____
 Title _____ Library _____
 Address _____
 Telephone _____ (Work) _____ (Home or Mobile)
 Email _____

Description of Incident and Library Materials Challenged (use back of form or additional pages as needed)

Complainant(s)

Has Complainant filed a complaint/reconsideration form detailing objections to library materials in question? _____ If so, please attach copy.

What action has been taken thus far?

Has legal advice been sought? _____ If so, from whom? _____

What kind of assistance (if any) is sought from FLA?

Does your library have a written Materials Selection Policy? _____

Has the Library's governing authority officially endorsed the *Library Bill of Rights*? _____

Does FLA and the Intellectual Freedom Committee have your permission to discuss the details of this incident with other concerned organizations, including the press? _____

Signature _____ Date _____