



Intellectual Freedom Manual

2022

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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 ensure an informed electorate and allows the public to assist in forming opinions 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, 2014, and 2021. 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 11th, 2001 have threatened the rights of library users and challenged the ethics of library workers. The immediacy and global reach of twenty-four-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 to choose. 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 Intellectual Freedom manuals with the Florida Library Association 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.

Intellectual Freedom Statement

The Florida Library Association holds that the freedom to read is corollary of the constitutional guarantee 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; 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, ALA's [Freedom to Read Statement](#), and interpretative statements adopted thereto.

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 on the results of investigations in Association publications.
5. Proposes a program for the annual conference at least once every two years.

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 545 East Tennessee Street, Suite

100-D, 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 executivedirector@flalib.org. A copy of the form LIBRARIAN'S REPORT AND REQUEST FOR ASSISTANCE is included at the end of this document. To help the Committee 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.

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 services 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, and programs and exhibits. These policies should be 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.

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.

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, values, 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 DVDs, CDs, 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. 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
18. 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.

Sample Policies: Links to several sample policies can be found at the end of this document.

Responding to 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 that 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 library's approved form (See this example from [ALA's website](#)). 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 library's 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](#). 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 can be found below:

ALA: <https://www.ala.org/aboutala/offices/oif>

NCTE: <https://ncte.org/resources/ncte-intellectual-freedom-center/>

NCAC: <https://ncac.org/resource/first-amendment-in-schools>

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 report 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 library's Materials Selection Policy should not be removed from public access until after an adversary hearing. Laws governing obscenity, subversive materials, and other questionable matters are subject to interpretation by courts.
6. If the case warrants, seek legal advice through the library's governing authority.

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

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 is 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 (see [ALA's Policy on Confidentiality of Library Records](#)).

Elements of a Policy on Confidentiality of Patron Records include:

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 (more privacy resources can be found at <https://www.ala.org/advocacy/privacy>).
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", per the 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 the 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 a library's 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 ensure 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. Ensure 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 user's 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. 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.

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 their designee.
2. If a library staff member is approached by law enforcement, they 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 they 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 ensure 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/her/their 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.

B. Handling a law enforcement inquiry

1. Ensure that the library has a policy in place for handling law enforcement inquiries.

- a. Library policy should not violate applicable federal, state, and local laws and should require that any law enforcement request for library records be issued by a court of competent jurisdiction for good cause.
 - b. When creating privacy policies, library administration should be aware that patron privacy, particularly that concerning children and students, may be impacted by additional state and federal law, such as laws regarding disclosure and the rights of parents. Faculty and school administrators do not have parental authority over students' privacy.
2. Upon receiving a request for information from federal or local law enforcement, consult with library administration and legal counsel immediately.
3. If a valid subpoena or court order is issued, library staff should retrieve and release only the requested information to avoid any inadvertent release of information not included in the current request.

For additional resources, see ALA's [State Privacy Laws regarding Library Records](#), [Policy on Confidentiality of Library Records](#), and the [Children's Online Privacy Protection Act \(COPPA\)](#), which went into effect in 2000 and is designed to protect children's privacy on the Internet.

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.
3. 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."
4. 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 has 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.
 - a. 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 Federal Communications Commission's website at <https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>.

Social Media

A. Social Media and Patron Privacy

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.

B. Social Media and Library Use

While libraries are not obligated to use social media, they often do so to promote programs and resources and to invite discussion. Libraries should adopt social media policies that clearly define acceptable online behavior which is in alignment with its mission, especially as that behavior pertains to public discussions (such as allowing and/or responding to online comments). For some public libraries, this type of discourse could be considered a “public forum” and, in such a case, a library would be required to uphold the First Amendment rights of users. It is recommended that you consult with legal counsel while developing a social media use policy.

Free Access to Libraries by 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.

Freedom to Read Statement

(Published January 24, 2022: <https://www.flalib.org/statement-on-the-freedom-to-read>)

The Florida Library Association (FLA) supports the freedom to read and the right to free speech. These activities are protected by the First Amendment, and FLA is committed to defending these rights for all library patrons.

As a chapter of the American Library Association, FLA endorses the *Library Bill of Rights*¹. This document prioritizes equal and equitable access for all individuals to a diverse library collection that does not exclude material “because of the origin, background, or views of those contributing to their creation.” To that end, FLA advocates for library policies that support diverse and inclusive collections. Library books and materials should reflect the broad intellectual, recreational, and personal interests of all readers.

Library materials are carefully selected by trained professionals who follow established collection development policies and professional standards. When a parent or patron requests that a book, video, or other material in the library be reviewed for content or appropriateness for a specific audience, libraries will and should follow their internal policies for reviewing the challenged material. Materials should be given the due process of an objective review as determined by the library’s established policies. When library materials are removed without following the reconsideration process, this practice undermines the deliberate efforts of librarians to support diverse and inclusive collections. Banning, removing, or censoring material also violates the library patron’s right to intellectual freedom and their freedom to read.

We support parents’ rights to choose materials for their own children, and this right extends to all parents. One parent may not infringe on another parent’s right to determine which library materials are appropriate or beneficial for their children. We encourage parents to cooperatively select materials with their children, and they are welcome to seek help from librarians or library professionals when choosing library materials.

The Florida Library Association recommends that schools, libraries, boards, and other decision makers:

- Follow their established policies when responding to requests to remove library materials;
- Consult with their administrators, educators, and librarians when considering requests for reconsideration;
- Utilize the expertise of their librarians and library professionals in making collection decisions that will impact all students or library patrons.

For additional resources, please see the American Library Association’s Freedom to Read Statement²

^[1] <https://www.ala.org/advocacy/intfreedom/librarybill>

^[2] <https://www.ala.org/advocacy/intfreedom/freedomreadstatement>

Code of Ethics of the American Library Association

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; January 22, 2008; and June 29, 2021.

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 staff.

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.

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.

We uphold the principles of intellectual freedom and resist all efforts to censor library resources.

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.

We respect intellectual property rights and advocate balance between the interests of information users and rights holders.

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.

We do not advance private interests at the expense of library users, colleagues, or our employing institutions.

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.

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.

We affirm the inherent dignity and rights of every person. We work to recognize and dismantle systemic and individual biases; to confront inequity and oppression; to enhance diversity and inclusion; and to advance racial and social justice in our libraries, communities, profession, and associations through awareness, advocacy, education, collaboration, services, and allocation of resources and spaces.

Sources of Assistance on Intellectual Freedom Issues

Florida Library Association
Intellectual Freedom Committee
executivedirector@flalib.org | if@flalib.org

Division of Library and Information Services
Bureau of Library Development
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250
P (850) 245-6600
F (850) 245-6643
dlib.bld@dos.myflorida.com

Office for Intellectual Freedom
American Library Association
225 Michigan Ave, Suite 1300
Chicago, IL 60601
P (312) 280-4226
oif@ala.org

Freedom to Read Foundation
225 N. Michigan Avenue, Suite 1300
Chicago, IL 60601
P 800-545-2433, ext. 4226
frf@ala.org

ACLU of Florida
4343 W. Flagler St. Suite 400
Miami, FL 33134
P (786) 363-2700
<https://www.aclufl.org/en/how-get-legal-help>

Sample Policies

Request for Reconsideration Forms

American Library Association:

<https://www.ala.org/tools/challengesupport/selectionpolicytoolkit/sampleforms>

Orange County Public Schools:

https://p15cdp4static.sharpschool.com/UserFiles/Servers/Server_54619/File/Departments/Curriculum%20Instruction%20and%20Digital%20Learning/Instructional%20Materials/OCPS%20Request%20for%20Reconsideration%20of%20Instructional%20Media_Updated.pdf

Mesa Public Library:

<https://www.mesalibrary.org/about/library-guidelines/materials-selection/request-a-reconsideration-of-materials>

State Library of Michigan:

https://www.michigan.gov/libraryofmichigan/0,93277-381-88857_89603-101797--,00.html

Tompkins County Public Library:

<https://www.tcpl.org/request-reconsideration-library-materials-policy>

Request for Reconsideration Policies

Driftwood Public Library:

https://www.driftwoodlib.org/pdf/policy_request_for_reconsideration_of_materials.pdf [they have completely removed this policy from their website]

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

Pasco County Libraries:

<https://www.pascolibraries.org/files/Library%20Policies/Collection%20Development%20Policy/Reconsideration%20of%20Library%20Materials.pdf>

Meeting Room Policy

Barbara S. Ponce Public Library: <https://www.pinellas-park.com/1264/Meeting-Room-Policy>

Jacksonville Public Library: <https://jaxpubliclibrary.org/about/policies/meeting-room-policy>

Marion County Public Library System:

<https://library.marionfl.org/home/showpublisheddocument/3016/635249505654330000>

Orange County Library System:

<https://ocls.info/using-library/amenities-rooms-studios/meeting-room-terms-and-conditions>

Meeting Room Application Form

Florence County Library System: <https://florencelibrary.org/about-us/meeting-rooms/>

Maitland Public Library: <https://www.maitlandpubliclibrary.org/meeting-rooms/>

Volusia County Public Library:

<https://volusialibrary.org/pdf/Meeting-Room-Application-Form-ADA.pdf>

York County Library:

https://www.yclibrary.org/_files/ugd/ce35a6_c8de2152a66746de85b7b4bbe9ff4152.pdf

Exhibit Space, Bulletin Board, Handout Policies

Alachua County Library District: <https://www.aclib.us/exhibit-and-display-policy>

Orange County Library System:

<https://ocls.info/sites/default/files/BulletinBoardBrochureDisplayPolicyUpdate%20-A.pdf>

Flagler County Public Library:

<https://www.flaglercounty.gov/home/showpublisheddocument/6664/637812342421998994>

Pasco County Libraries: <https://www.pascolibraries.org/about/library-policies/exhibit-area-policy/>

Wichita Public Library:

<https://www.wichitalibrary.org/About/Policies/Pages/handouts-petitioning.aspx>

Exhibit Space Application Form

Canton Public Library:

<https://cantonpubliclibrary.org/wp-content/uploads/2020/04/Exhibit-and-Display-Application-and-Release-Form.pdf>

L. E. Smoot Memorial Library:

<https://www.smoot.org/DocumentCenter/View/6402/Exhibit-Application?bidId=>

Leon County Public Library:

<https://cms.leoncountyfl.gov/Library/Library-Services/Library-Exhibits/Art-Exhibit-Form>

Weber County Library System:

https://www.weberpl.lib.ut.us/sites/default/files/imce/pdf/exhibit_application.pdf

Collection Development and Materials Selection Policies

Brooklyn Public Library: <https://www.bklynlibrary.org/use-the-library/policy/materials-selection>

Clearwater Public Library System:

<https://www.myclearwaterlibrary.com/about/policies/materials-selection-policy>

Florida Atlantic University Libraries: <https://library.fau.edu/policy/collection-development-policy>

Orange County (CA) Public Libraries:

<https://www.ocpl.org/services/about-ocpl/materials-selection-policy>

Safety Harbor Public Library:

<https://cityofsafetyharbor.com/DocumentCenter/View/1713/Collection-Development-Policy-2021?bidId=>

University of North Florida:

https://www.unf.edu/uploadedFiles/aa/library/about/policies/Certified_so.collectiondevelopmentpolicy2009.pdf

Privacy and Confidentiality Statements

Clay County Public Library System:

<https://www.claycountygov.com/Home/ShowDocument?id=4012>

Cole Library: <https://colelibrary.org/about/policies/confidentiality-of-library-records/>

George A. Smathers Libraries: <https://uflib.ufl.edu/about/user-policies/privacy-policy/>

Pasco County Libraries: <https://www.pascolibraries.org/about/library-policies/privacy-policy/>

University of Illinois Library: <https://www.library.illinois.edu/geninfo/policies/confidential/>

FLA Report a Challenge/Request Assistance

<https://docs.google.com/forms/d/1LM68tAatqUUyuMp98IbQykA6WnYAhtONdG8C4ZChrO8>