

SLIS Connecting

Volume 5
Issue 2 Fall/Winter 2016

Article 7

2016

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Recommended Citation

Evans, Stephanie A. (2016) "Core Values: Intellectual Freedom and Privacy in Public Libraries," *SLIS Connecting*: Vol. 5 : Iss. 2 , Article 7.

DOI: 10.18785/slis.0502.06

Available at: <http://aquila.usm.edu/slisconnecting/vol5/iss2/7>

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Core Values: Intellectual Freedom and Privacy in Public Libraries

Stephanie A. Evans

LIS 641 Public Libraries paper, summer 2015

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Introduction

With the passing of the USA Patriot Act in 2001 following the events of 9/11, libraries on the national scale have had to staunchly defend issues of privacy and confidentiality more-so than ever before.

Evidence of this lies not only in statements within the *ALA's Resolution on the USA PATRIOT Act and Libraries* but also in other core documents which guide policy development in public libraries (ALA 2005). *Intellectual Freedom* and *privacy* are two of the major issues addressed and protected by the American Library Association through the Office of Intellectual Freedom and the *Library Bill of Rights* (ALA 1996). Both are also listed as one of the core values of librarianship (ALA 2004). Privacy is deemed inherently important to the preservation of processes of intellectual freedom (ALA 2005).

Therefore, it can be reasonably assumed that damage to a library user's privacy may impact his intellectual freedom if for no other reason than a patron feels uncomfortable procuring information in the library setting and therefore chooses to not return. In this review, I wish to look at two issues in the library setting which have the capacity to impede on a patron's privacy and intellectual freedom, namely self-service holds and the use of Internet filters. While my specific focus is on issues of privacy and intellectual freedom, another visible concern specific to the Internet filters debate is whether the presence of filters contradicts a patron's right of open access to materials. In this growing age of technological advancement, we find ourselves not only embroiled in wars on physical planes but also in virtual and social planes. Innovation is key, but it also has the potential to be a downfall. It is in this type of setting that our views, as a discipline, on intellectual freedom and privacy will be put to the test.

Literature Review

Of particular interest in debates of intellectual freedom are those discussions surrounding the use or presence of Internet filters in public libraries.

An article in the *Perspectives* section of *Public Libraries* provides a textual debate between Hampton "Skip" Auld, then assistant director of Chesterfield County Public Library in Virginia, and Nancy Kranich, a former ALA president, on whether the application of Internet filters to library computers infringes on the rights of users to free access of materials. Both sides of the argument are presented, including various discussions on the pros and cons of filter usage (Auld & Kranich, 2005).

Following the two sub-articles—Auld's "Filtering Materials on the Internet Does Not Contradict the Value of Open Access to Material" and Kranich's "Filtering Materials on the Internet Does Contradict the Value of Open Access to Material"—is an interview-style debate or commentary on the multiple points addressed by both sides. Kranich approaches the debate by suggesting that we frame the entire filtering issue in the terms of our discipline and not the opposing side's. She begins by citing a selection of the core values of librarianship to include equity, privacy, democracy, diversity, education, intellectual freedom, and service and then framing the filtering debate in terms of these values which are inherent to the field of librarianship. Other bodies are arguing from political perspectives and so forth; therefore, we should couch our arguments in terms that showcase who we are as a discipline and why we do what we do.

Kranich also encourages a movement away from the filtering versus non-filtering debate. Due to issues of funding and CIPA requirements alongside Supreme Court rulings and local legislature, most public libraries are required to handle filtering in a specific way or be in violation of a contract or ruling. This is common knowledge. Kranich believes that the filtering debate is moot at this point and that we should move on to the practical concerns of educating our staff and patrons on policy and appropriate use of the Internet.

By contrast, much of Auld's argument centers on aspects of collection development that are similar to the implementation of filters, a point of contention also addressed by Kranich. Auld suggests that filters act for the Internet as a staff member might act when selecting materials for the physical collection. He argues that a librarian would not select pornography for presence in the collection, therefore, the presence of filters is justified as a necessity that does not violate the value of access to materials. In an attempt to resolve the situation, the Office of Intellectual Freedom via the standing Intellectual Freedom Committee is in the process of drafting an "Interpretation of the Library Bill of Rights" document specific to Internet filtering. The current draft is available on *ALAConnect*.

Chip Ward, in compliment to Nancy Kranich, proposes that it might be time to view our library systems from the perspective of other disciplines—if only to cast our arguments centering on intellectual freedom into a more prominent light. Ward spins a metaphor which likens the public library to an ecotone—"a space where the plant and animal community that is generated by one altitude, climate, soil, or other set of geographic conditions rubs up against the biotic and faunal community that is generated by a different set of conditions" (Ward, 2008). Ward calls the public library a "cultural ecotone" or, essentially, a cultural hub, but he uses terms based in Ecological studies as opposed to those of the Library and Information Sciences. It is in this way that he chooses to demonstrate the importance of altering your language choice to fit your audience.

While in the political and disciplinary worlds connected to the library, as Kranich suggests, it is important to use disciplinary terms such as "available holds" or "intellectual freedom" or "stacks," it is more important to use terms such as "shelves," "First Amendment rights" or "reserved books" when speaking to patrons. As a cultural hub, it is important that the library be able to modify its use of jargon to fit the various needs of its service area or community. By casting the public library in this manner, Ward shows the expectation that is placed on the public library to argue for the intellectual freedoms of its community to the best of its ability and to keep the flow of information constant.

Another issue that is receiving similar attention to that being paid to Internet filtering is the issue of self-service holds and whether the application of this service is violating the privacy and confidentiality of patrons (Bowers, 2008; Stevens, et al., 2012). Both Bowers and Stevens, et al. cite that the necessity of a resolution from the ALA (*Resolution to Protect Library User Confidentiality in Self-Service Holds Practices*) related to the issue of self-service holds is a statement in and of itself regarding the privacy concerns which surround the service. Self-service holds in principle seem very straightforward and full of positive change. However, with the ALA's resolution came concerns, specifically that many libraries instituting self-service holds systems have failed to implement adequate means of protecting users' personal, identifying information and have therefore potentially violated state library confidentiality laws (Zalusky, 2011).

Recommendations were made which allowed for open-shelf, self-service holds that protected the individual library users' legal right to privacy, including use of pseudonyms or codes or reusable packaging (Zalusky, 2011). Citing Bowers, Stevens et al. present a study which indicates that 15 to 27 percent of Michigan libraries currently use self-service holds practices or plan to implement them in the future (Stevens et al. 2012). The study found that most practices implemented by the reporting libraries to conceal patron identities are insufficient, allowing for an average 85 percent of materials to be connected to the borrowing patron.

Stacey Bowers (2008) suggests that while traditional holds systems allow for security and accuracy, self-service systems do allow for more independence on the part of the library patron. While Bowers may disagree with the reasons many libraries provide for the implementation of self-service holds, she does suggest that if the system is working for the library patrons, then, to best preserve the confidentiality of the patron, the materials should at least be enclosed in a reusable bag or envelope which makes the materials unidentifiable to other patrons. If a system is not used to effectively conceal the identity of the borrower or the nature of the materials attached to a borrower, then anyone in the community can make assumptions about a patrons personal life, or in

extreme instances for example, an FBI agent could easily peruse the holds section and assume that any individual checking out books on Osama bin Laden or terrorism is a threat to national security—no sanctioned legal avenues as provided by the USA PATRIOT act required (Bowers, 2008). Bowers also supplies a succinct discussion of legal expectations of privacy, ALA ethical requirements related to privacy, and policies related to the protection of library records.

Discussion

The arguments either for or against Internet filtering are straightforward—does the presence of filters contradict the value of access to materials and therefore violate an individual's right to pursue intellectual freedom and the library's charge to deny censorship? While it can be argued that Internet filters have indeed been updated, the question remains of how many reliable (meaning non-pornographic) sources are still being blocked. While libraries may implement filters to abide by e-rate and other funding requirements, they must also disable these same filters for adults aged 18 and older to abide by findings of the Supreme Court. This in turn begs other questions. Is the additional funding worth the extra cost of maintaining a filter system? How do CIPA guidelines play a role in filter maintenance? If filters are disabled upon request, what is to then stop an individual from accessing questionable materials?

Filtering is essentially a type of censoring if you consider the Internet and/ or computers a resource supplied by the library. To edit the material that can be accessed via the Internet therefore flies in the face of the *Library Bill of Rights* initiative to combat censorship in all forms (ALA 1996). While one cannot expect all patrons to make wise choices with the resources provided to them—this is true of all resource types—we can provide them with the means to properly use those resources made available to them. Applying adequate filters in public libraries which remove access to pornographic information requires the use of a commonly accepted, universal definition of pornographic—which we do not have—alongside assurance that no pertinent research sites—such as medical sites—will be blocked. If this assurance cannot be provided, then filters cannot be applied while still abiding by

our charges of free access to information and practices of intellectual freedom. While Auld's connection of collection development staff to library filters does hold some water, until justification similar to collections management procedures can be provided for the exactness of filters, more questions are still likely to be asked as opposed to answered (Auld & Kranich, 2005).

The controversy surrounding self-service holds lies with a few very particular issues: potential lack of privacy for the borrowing patron and lack of security. For example, if a self-service holds system existed at my local library, I could simply walk in, retrieve my holds from beneath a ticket which held my name, proceed to circulation, check out with a clerk or self-service machine, and proceed about my day. I would not have to present my library card to a clerk and have my books retrieved from a private area before they were then checked out to me before I proceeded on my way. But, therein lies the issue. Unless the materials kept in the holds area are concealed by some type of packaging before a patron's name is affixed to them, anyone can see what any other patron is requesting. In this instance, the patron in question has lost anonymity and his library record has essentially been made public.

However, if an auto-generated number where assigned instead of a name or a user alias chosen to correspond with holds pick-up, confidentiality is still maintained. By another token, what about security measures? While traditional holds practices may not allow for independent patrons and may require more time and attention on the part of staff, they do provide a level of security and accuracy which has the potential to be lost with self-service holds. What if another patron where to request a book that I had also placed on hold and instead of waiting until it was his turn to receive the book, he went and retrieved it from the holds area, checked it out, and "skipped" ahead of three other people who were on the wait list for the book? Could automated circulation procedures be applied to halt this type of behavior?

While self-service holds have the potential to save staff-time and workroom space, they still seem to have more issues than positive changes associated with them. If a staff member has already retrieved a

book from the stacks in the first place, does a walk to the circulation workroom or the holds cart really require so much more effort?

Conclusion

In his 2014 article "The Pitfalls of Innovation," John Spears suggests that librarians must consider not only the positives of innovation but also the pitfalls. One of the greatest pitfalls in libraries adopting public Internet usage practices was not examining all the potential pros and cons of implementation and adopting appropriate policy to reflect this. As a unit, libraries did not comprehend exactly what public access would entail and simply set time limitations to usage in the beginning. From the beginning, there was no instruction in place on the proper use of Internet resources. In turn, this led to the compounded issue of pornography in the library (Adamson, 2002). While this is a drastic simplification of the beginnings of the complex issue of intellectual freedom, Internet filtering, and pornography in the library, it is not difficult to see the troubles that innovating too quickly without proper consideration can bring.

However, it is also not difficult to see how failure in innovation has its place in the public library setting as well. If the gross account at the Minneapolis Public Library (Adamson, 2002) can demonstrate the poor consequences of moving too quickly with innovation, it can also demonstrate the positives that can come out of failure when innovating. Without the issues that surrounded rushing into the implementation of public access to the Internet, we might not have a comprehensive understanding of just how complete our policies towards this resource need to be. By reinforcing our need for proper policies, the Internet filtering issue, alongside the issue of self-service holds, has caused the library community to reexamine its principles and as a collective, reinvent measures for the continued effective application of the core values of privacy and intellectual freedom.

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