



inmates a per page or per word fee to read e books on vendor supplied tablets, which are now used as a substitute for physical libraries and library services in prisons. Such practices violate the *Library Bill of Rights* by imposing unconscionable economic barriers to the inmate's access to reading materials and impairing the prisoner's right to read.

### Forward Together

Members of the Intellectual Freedom Committee, the Committee on Professional Ethics, and the Intellectual Freedom Round Table have expressed concern about the lack of a standing committee to address issues and topics of importance addressing intellectual freedom, privacy, and professional ethics in the Forward Together recommendations. Many expressed a belief that the decision suggests that intellectual freedom and professional ethics are no longer viewed as a core value or core function of the association or the library profession. IFC Chair Julia Warga will be working with COPE Chair Andy Harant on creating specific recommendations on how professional values can be incorporated in the Forward Together proposal for the future of ALA.

### Merritt Fund

The Merritt Humanitarian Fund is celebrating its 90<sup>th</sup> anniversary this year.

The LeRoy C. Merritt Humanitarian Fund was established in 1929 as a special trust in memory of Dr. LeRoy C. Merritt. It is devoted to the support, maintenance, medical care, and welfare of librarians who, in the trustees' opinion, are denied employment rights or discriminated against on the basis of gender, sexual orientation, race, color, creed, religion, age, disability, or place of national origin, or denied employment rights because of defense of intellectual freedom.

During this Midwinter Meeting, the Merritt Fund Board of Trustees met to plan fundraising opportunities to benefit the fund. Two events are planned: a Reception for a Cause at the Annual Conference in Chicago, and a celebratory 90<sup>th</sup> anniversary event at ALA Midwinter in Indianapolis.

### IFC Privacy Subcommittee

Some of the library users most vulnerable to privacy violations and intrusive monitoring are those library users who use assistive technologies. A working group of the Privacy Subcommittee, led by member Ray James and comprised of several librarians who work daily with assistive technologies, drafted a new privacy guideline, "Library Privacy Guidelines for Assistive Technology." At this meeting, the Privacy Subcommittee recommended adoption of the guidelines to the Intellectual Freedom Committee, which approved the guidelines. A matching privacy checklist will be drafted by the working group in the spring. The new guidelines are attached to this report as an information item.

The controversy engendered by LinkedIn Learning's decision to change its privacy policy and procedures so as to impair library users' privacy rights spurred the IFC Privacy Subcommittee to undertake a review of ALA policies and guidelines addressing vendors' practices regarding the collection, storage, and use of library users' personal data and circulation records. As a result, the Privacy Subcommittee, with the support of members of the Intellectual Freedom Committee, has updated the existing guidelines addressing vendors' privacy practices and user privacy. The IFC has approved the revisions, and the revised guidelines are attached as an information item.

The LinkedIn Learning controversy also highlighted how library vendors' privacy policies and practices are actually inconsistent with ALA's stated values in regards to library users' privacy. The subcommittee drafted and proposed a "Resolution



## Citrus County News For

Citrus County commissioners unanimously denied a request from their local library to spend \$ \_\_\_\_\_ annually on digital subscriptions to the New York Times, citing that the paper is fake news and they agree with Donald Trump. On Nov \_\_\_\_\_ ALA issued a [statement](#) in response to the decision by the Citrus County Board of Commissioners

It should be noted that there are significant, vocal minorities in the United States that have rejected the idea that libraries are pluralistic spaces that offer diverse materials to serve diverse

September, ala.org/bbooks webpages made up more than 4% of all pageviews viewed on the ALA website. The ALA Store offered materials to initiate conversations, such as posters, bookmarks, Field Reports (compiled by James LaRue), and glow in the dark buttons.

Prior to Banned Books Week, OIF launched a "Celebrating Banned Books Week" Facebook group, a community where anyone can post ideas, questions, and highlights. During Banned Books Week, OIF hosted two Zoom webinars, live stre

OIF partnered with the Every Child a Reader to publish a list of Frequently Challenged Children's Books, in celebration of the 50th anniversary of Children's Book Week. Titles include the *Junie B Jones* series, *The Watsons Go to Birmingham - 1963*, *Matilda*, and *Daddy's Roomate*.

At this Midwinter Meeting, IFC gave feedback on Banned Books Week (Sept - Oct ) concepts. This year's theme will touch on the adventures of reading, the rewards that books offer, and overcoming censorship to unlock the unknown.

[Share Your Censorship Story](#)





### Religion in American Libraries Q&A

“Religion in American Libraries: Questions and Answers” was approved by the IFC in 2011. A working group was established to update its content, especially since the “Religion in American Libraries: An Interpretation of the *Library Bill of Rights*” was adopted by Council in 2008. The working group made a number of changes, including omitting a list of considerations for exhibit space policies and adding a section on religious programming. The IFC approved the revised Q&A at this Midwinter Meeting. The updated Q&A is included in this report as an information item.

### Access to Digital Resources and Services Q&A

After a revised version of “Access to Digital Resources and Services: An Interpretation of the *Library Bill of Rights*” was adopted by Council in 2008, the IFC approved the revised Q&A at this Midwinter Meeting. The updated Q&A is included in this report as an information item.

right to film and record activities taking place in public libraries and in other government owned spaces open to the public. The activities of these self identified “First Amendment Auditors” raise privacy, intellectual freedom, and harassment concerns for users and staff alike, and the OIF Blog has [published an initial set of guidelines](#)

Respectfully Submitted,

AA

# Vendor Guidelines

## Introduction

Protecting user privacy and confidentiality has long been an integral part of the intellectual freedom mission of libraries. The right to free inquiry as assured by the First Amendment depends upon the ability to read and access information free from scrutiny by the government or other third parties. In their provision of services to library users, librarians have an ethical obligation, expressed in the *Code of Ethics of the American Library Association* and the *Library Bill of Rights*, to preserve users' right to privacy and to prevent any unauthorized use of user data. Librarians and libraries may also have a legal obligation to protect library users' data from unauthorized disclosure.

Libraries enter into licenses or agreements with third party vendors in order to provide library service to users and to meet library operational needs. Third party vendors include digital content providers, program facilitators, and even other libraries, such as a consortium. In the course of providing software, hardware, or services, most third party vendors collect and use library user data for a variety of reasons, including consumer analytics and segmentation, personalization, digital rights management, and digital collection development. Libraries and vendors must work together to ensure that the contracts and licenses governing the collection, processing, disclosure, and retention of library user data reflect library ethics, policies, and legal obligations concerning user privacy and confidentiality.

## Consideration

When libraries start the search for a product or service, there are several ways in which libraries approach vendors about their privacy practices. Libraries should include privacy requirements and questions for the vendor in their Request For Proposal (RFP) or similar bidding process. Requirements and questions can include what data is collected, how the data is collected and stored, how long data is stored with the vendor, and if and how the data is shared with other third parties.

Libraries inviting bids from vendors should also ask questions throughout the search process related to both the service/product and the vendor's policies and practices around data privacy and security. If the service or product does not meet a privacy requirement listed in the RFP, libraries should ask vendors their plans in addressing that requirement. Libraries should inquire about how the vendor handles data breaches, as well as reports from libraries or users.



## Access to Personal Data

Users should have the right to access their own personal information and correct incorrect information. Verifying accuracy helps ensure that vendor services that rely on personal user information can function properly. Guidance on how the user can access their personal data should be clear and easy to find. Users should also have the ability to download their personal data into an open file format such as CSV for their own use.

Access to personal information should be restricted to the user, vendor, and library workers as required for the provision of services and administration of the library and must conform to the applicable state laws addressing the confidentiality of library records as well as other applicable local, state, and federal law.

Vendors should have a practice in place to delete user data upon request. Data should be purged from hard drives and servers, not just hidden from view.

inactive for a certain amount of time should be purged. Retention policies should also cover archival copies and backups. Libraries should refer to record retention laws and policies of governing bodies.

**Dissemination:** User data should not be shared with additional third party vendors or other business associates without user consent. Most state statutes on the confidentiality of library records do not permit the release of library users' personally identifiable information or data about their use of library resources and services without user consent or a court order.

**Government Requests:** Vendors and libraries should develop and implement procedures for dealing with government and law enforcement requests for library users' personally identifiable information and use data. Vendors and libraries should consider a government or law enforcement request only if it is issued by a court of competent jurisdiction that shows good cause and is in proper form. Vendors should inform and consult with the library when it believes it is obli

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# Library's Guidelines for Assistive Technology

## Introduction

These guidelines provide libraries with information about appropriate data management and security practices with respect to library users' personally identifiable information and data about their use of assistive technology in the library or at home

The terms assistive, adaptive, and access technologies may be used interchangeably and refer to mechanical or electronic solutions that enable individuals with disabilities to learn, work, and live independently

## Library's Responsibility

Protecting user privacy and confidentiality has long been an integral part of the intellectual

**Screen Magnification** enables users with visual impairments to enlarge text and graphics for easier viewing

**Text-to-Speech** assists users with reading and writing tasks. Text-to-speech, adaptive switch, and other hardware and software tools assist users with reading, writing, and input tasks

**Prose** helps users to navigate and document text through verbal input

**Peripherals**, such as headsets, speakers, microphones, switches, touchpads, large and small keyboards, and multiple mouse options

privacy screens or recessed displays available to users who desire to use them, while recognizing that no screen may render a user's display completely invisible to other people

**screen reader**, which assists users with reading and writing tasks, and **speech recognition software**, which enables users to navigate and document text through verbal input, may require sound isolation or sound deadening design or equipment considerations

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# Statement of the American Library Association on Forthcoming or Proposed Legislation

Whereas the American Library Association (ALA) Policy B (Privacy) states that, “Protecting user privacy and confidentiality is necessary for intellectual freedom and fundamental to the ethics and practice of librarianship”;

Whereas the *Library Bill of Rights* states, “All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people’s privacy, safeguarding all library use data, including personally identifiable information”;

Whereas the *Code of Ethics of the American Library Association* states, “We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted”;

Whereas, ALA has long affirmed that the protection of library users’ privacy and confidentiality rights are necessary for intellectual freedom and are fundamental to the ethical practice of librarianship;

Whereas, ALA’s [Library Bill of Rights](#) and its [interpretations](#) maintain that all library users have the right to be free from unreasonable intrusion into, or surveillance of, their lawful library use;

Whereas many library vendor privacy policies allow for the continued and pervasive tracking of an individual’s library use;

Whereas this data is not always collected with the informed consent of the library user;

Whereas library use data might be shared with third parties;

Whereas library use data is not always deleted but kept in perpetuity;

Whereas some vendors do not maintain adequate security practices, leading to the exposure of user data; now, therefore, be it

Resolved, that the American Library Association (ALA), on behalf of its members:

- 1 ALA Council instructs the Intellectual Freedom Committee to create a working group that will be composed of representatives from libraries, vendors, and service providers

The working group will be tasked with:

- 1 completing a study of current vendor privacy policies and identifying key issues within 6 months;
  - developing a shared set of privacy guidelines;
  - exploring the requirements for turning guidelines into standards supported by ALA;
- 2 exploring the creation of a transparent online resource where libraries can view vendors' alignment with the standards, and
- 3 drafting any additional guidelines and/or resources deemed necessary by the joint working group