

**ALA Intellectual Freedom Committee
Report to Council
2014 Midwinter Meeting
Philadelphia, PA
Tuesday, January 28, 2014**

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities.

INFORMATION

The Intellectual Freedom Manual, Ninth Edition

Steady progress continues on the preparations for the forthcoming ninth edition of the Intellectual Freedom Manual, slated for publication in the first half of 2015. Editor Trina Magi of the University of Vermont has re-imagined and re-designed the manual for use as a practical guide for librarians in the field, and the Intellectual Freedom Committee continues to review and revise ALA's intellectual freedom policies in preparation for the new edition. Revised policies will be circulated in the spring for comment and suggestions.

Privacy Toolkit

Since September 2013, the Intellectual Freedom Committee's Privacy Subcommittee has worked via email and conference call to revise the Privacy Toolkit, which was last revised in 2005. A final draft was delivered to the IFC for review here at the Midwinter Meeting. The new toolkit provides concise and up-to-date guidance for libraries that are creating or revising their privacy policies, and includes a new section addressing library users' privacy and emerging technologies such as e-books and cloud-based services. The IFC thanks Helen Adams and Ann Crewdson, co-chairs of the subcommittee, for shepherding the project to completion, and thanks committee members and volunteers Carolyn Caywood, Barbara Fiehn, Kent Oliver, Dee Ann Venuto, Bradley Compton, Robert Hubsher, Ray James, and Michael Zimmer for all of their hard work on the project. The new toolkit will be available via the ALA website by March 1.

Committee on Legislation Representatives Join IFC Privacy Subcommittee

Privacy is a vital issue for both the Intellectual Freedom Committee and the Committee on Legislation. The Committee on Legislation considered a proposal to establish their own privacy subcommittee, but after discussions with the IFC at the last Annual Conference in Chicago, the decision was made to add a number of COL representatives to the IFC privacy subcommittee to provide focus and efficiency as the COL and the IFC together address the significant privacy issues faced by libraries and librarians.

In addition to the Banned Books Virtual Read-Out, the sponsors of Banned Books Week have identified outstanding individuals and groups who have stood up to defend the freedom to read by honoring them with the title Heroes of Banned Books Week. Heroes include students, teachers, and librarians from across the country. A listing of the Heroes can be found on www.bannedbooksweek.org/heroes.

Banned Books Week 2014 will take place September 22 – 28. Banned Books Week merchandise, including posters, bookmarks, t-shirts, and tote bags, are sold and marketed through the ALA Store. New to 2014 will be an updated Banned Books Resource Guide. More information on Banned Books Week can be found at www.ala.org/bbooks and www.bannedbooksweek.org.

Choose Privacy Week

Choose Privacy Week will take place May 1 – 7, 2014. Online materials and programming will encourage libraries and librarians to develop programs and resources for their communities that focus on mass surveillance, commercial data mining, and breaches of data privacy. Posters, buttons, and other items addressing both "Freedom From Surveillance" and "Who's Tracking You?" remain available online via the ALA Store. Planned activities for Choose Privacy Week include a programming webinar for librarians and a number of guest bloggers.

ACTION ITEMS

The Intellectual Freedom Committee moves the adoption of the following action items:

CD # 19.1, Resolution on Curbing Government Surveillance and Restoring Civil Liberties
CD # 19.2, Resolution on Expanding Federal Whistleblower Protections

In closing, the Intellectual Freedom Commit

RESOLUTION ON CURBING GOVERNMENT SURVEILLANCE AND RESTORING CIVIL LIBERTIES

Whereas the U.S. National Security Agency (NSA) operates multiple classified programs to collect, mine, retain, and share with third parties data on U.S. persons who are not under investigation for criminal activity;

Whereas the data collected by these programs include activities of library users;

Whereas these programs are conducted with minimal oversight and inadequate transparency;

Whereas among recent decisions and study group reports there is no consensus regarding the constitutionality and statutory basis of these programs¹;

Whereas the American Library Association (ALA) is committed to the principles of privacy, open government, governmental transparency, and accountability²;

Whereas the ALA has defended vigorously the privacy rights of library users and supported openness, accountability and governmental transparency³; and

Whereas Senator Patrick Leahy (D-VT) and Congressman James Sensenbrenner (R-WI) have introduced the USA FREEDOM Act (H.R. 3361/S. 1599) which

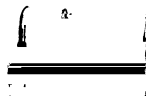
- ends bulk collection of U.S. persons' communications records
- requires court orders to collect U.S. persons' communications under the Foreign Intelligence Surveillance Act (FISA) Amendments Act
- creates new and shorter sunset provisions to ensure proper oversight
- reforms the Foreign Intelligence Surveillance Court
- increases transparency and oversight
- limits the types of records obtainable under Section 215 and National Security Letters and the authority by which they are obtained;

now, therefore, be it

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

calls upon Congress to pass legislation supporting the reforms embodied in H.R. 3361/S. 1599 as introduced, and upon the President to sign such legislation.

Adopted by the Council of the American Library Association
Tuesday, January 28, 2014, in Philadelphia, Pennsylvania



Keith Michael Fiels
ALA Executive Director and Secretary of the ALA Council

¹*ACLU v. Clapper* (S.D.N.Y.) (*slip op.*, December 27, 2013); *FISC 3* October 2011 decision, released 21 August 2013; *Klayman v. Obama* (D.D.C.) (*slip op.*, December 16, 2013); Privacy and Civil Liberties Oversight Board, 2014, *Report on the Telephone Records Program*; President's Review Group on Intelligence and Communications Technologies, 2013, *Liberty and Security in a Changing World*

²Article III, *ALA Code of Ethics*, 1939; *ALA Policy on Confidentiality of Library Records*, 1971; *Policy concerning Confidentiality of Personally Identifiable Information about Library Users*, 1991; *Privacy: An Interpretation of the Library Bill of Rights*, 2002; *ALA Resolution on the Retention of Library Usage Records*, 2006; *Resolution on the Need for Reforms for the Intelligence Community to Support Privacy, Open Government, Government Transparency, and Accountability*, 2013

³*Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks*, 2002; *Resolution on the USA PATRIOT Act and Related Measures That Infringe on the Rights of Library Users*, 2003; *Resolution on the Terrorism Information Awareness Program*, 2003; *Resolution on the USA PATRIOT Act and Libraries*, 2005; *Resolution on the Use and Abuse of National Security Letters: On the Need for Legislative Reforms to Assure the Right to Read Free of Government Surveillance*, 2007; *Resolution on the Reauthorization of Section 215 of the USA Patriot Act*, 2009

RESOLUTION COMMENDS SENATOR PATRICK LEAHY AND CONGRESSMAN JAMES

RESOLUTION ON EXPANDING FEDERAL WHISTLEBLOWER PROTECTIONS/2

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

1. urges Congress to amend the Whistleblower Protection Enhancement Act of 2012 to extend existing legal protections for whistleblowers to employees of all national security and intelligence agencies, and to non-federal employees working for civilian contractors;
2. urges Congress to establish a secure procedure by which all federal employees, and all non-federal employees working for civilian contractors, may safely share evidence they have discovered of fraud, waste, or abuse with the appropriate oversight committees of Congress, and directly with the press and the American people, with the protection of legally enforceable rights against retaliation or prosecution; and
3. commends the courage and perseverance of federal employees, and non-federal employees working for