**ALA Intellectual Freedom Committee**
**Report to Council**
**2021 ALA Annual Conference**
**Tuesday, June 29, 2021**

The ALA Intellectual Freedom Committee (IFC) is pleased to present this update of its activities since May 28, 2021.

**IFC PRIVACY SUBCOMMITTEE**

The Privacy Subcommittee is an active group with many ongoing responsibilities to maintain, update, and create resources for the library community around privacy issues. We are a group that requires specialized expertise in order to address the ever-growing privacy issues in the profession. There is concern about how the subcommittee will continue to do this work under the current proposed Forward Together structure. It is extremely important to have a group of people with the expertise and focus readily available to address the issues in a manner that membership is demanding. While the group does not need to look the same as it does now, we do need to have dedicated professionals assigned on an ongoing basis to privacy.

Resolution on Forming a Working Group to Align Vendor Privacy Policies with ALA Policies and Ethics

After a delay due to the COVID-19 pandemic, the IFC Privacy Subcommittee assembled a working group in January 2021, based on the passage of the "Resolution on Forming a Working Group to Align Vendor Privacy Policies with ALA Policies and Ethics" at Midwinter 2020. The group has vendor representation from OverDrive, Gale/Cengage, OCLC, and EBSCO (ExLibris has dropped out of the group). The working group's library representation includes experts that have a long history of advocating and working on library privacy issues.

The first charge of the working group was "completing a study of current vendor privacy policies and identifying key issues within 12 months." The group has met four times over the last six months and has come to an agreement on those key issues. We often discussed the difference between regulatory compliance and the oftentimes more stringent ethical standards of libraries.

Currently, there are no binding, clear standards on privacy for vendors working with libraries. The working group is in agreement that not all vendors are in misalignment with the issues presented here, but these are the most pervasive issues. Based on our conversations, here are some of the areas that we've identified as potential concerns and warrant further exploration.

- More data is collected about a user than is required to provide access to a product or service.
- There is a lack of informed consent. Users do not understand what data is being collected about them or how that data is being used.
- Data is being used for secondary purposes. Users may think their data is just being provided to access a product, but it is shared with the platform or parent company for other uses.
- Privacy policies are not written in plain language so that all users can understand.
- There is a lack of transparency between vendors and libraries around data lifecycles.
- Data retention policies do not exist or are not clearly stated. Some data is being collected and stored in perpetuity by the vendor.
- Libraries are not given ownership over user data.
- Services that require personal tracking are set to opt-out by default.
- Information security practices are not up-to-date, allowing for data breaches.

The working group will begin meeting again in August to start exploring what to do with this information and how we can use this to advocate for greater user privacy and confidentiality.

Choose Privacy Every Day website

The IFC Privacy Subcommittee has completed its revision of the Choose Privacy Every Day website. The website is a curated portal for all library workers to find the resources they need around various privacy topics. Users can find information on privacy audits, policies, and laws. There is specific guidance for library workers whose users are students and minors. In addition, there are programs and lesson plans for academic, public, and school libraries, as well as training for library workers.

Library Privacy Checklist for Assistive Technology

The Privacy Subcommittee is continuing to work on updating the ALA Privacy Guidelines and Checklists. The IFC has voted to approve the latest addition, the Library Privacy Checklist for Assistive Technology. The checklist is included in this report as an information item.

**IFC RESOLUTIONS AND REPORTS**


Radical Empathy Report from the Intellectual Freedom and Social Justice Subgroup

In response to a charge from the passage of "Resolution to Condemn White Supremacy and Fascism as Antithetical to Library Work" — which charged a group to review neutrality rhetoric and identify alternatives, sharing findings by July 1, 2021 — the Intellectual Freedom and Social Justice Subgroup grew and continued discussions about the intersection of intellectual freedom and social justice. The subgroup includes representatives from the Accessibility Assembly; American Indian Library Association; Asian Pacific American Librarians Association; Black Caucus of the American Library Association; Chinese American Librarians Association; Committee on Diversity; Committee on Professional Ethics; Intellectual Freedom Committee; Joint Council of Librarians of Color; Library Services to the Justice Involved Interest Group; National Association to Promote Library and Information Services to Latinos and the Spanish-Speaking; Rainbow Round Table; and the Social Responsibilities Round Table.

Having reviewed neutrality rhetoric and searched for an alternative, the subgroup proposes the adoption of radical empathy as a framework for replacing neutrality. To expand on this conclusion, "Radical Empathy Report from the Intellectual Freedom and Social Justice Subgroup" is included in this report as an information item.

The subgroup will continue its work and respond to feedback from the library community after the 2021 ALA Annual Virtual Conference.


Resolution in Support of Open Educational Resources

The topic of misinformation regarding Open Educational Resources (OER) was brought forth to ALA Council by a Councilor. A subgroup was formed with those who are passionate about offering open access and affordable textbook options for college students. Councilors and representatives from IFC and the Committee on Legislation drafted a resolution that affirms the benefits of open educational resources and encourages library workers to promote OER and support OER by advocating at all levels of government.

"Resolution in Support of Open Educational Resources" is included in this report as an action item. It was approved by the IFC and COL. It has been endorsed by the Information Technology Policy Advisory Committee and endorsed in principle by the Committee on Professional Ethics.

**ACTION ITEM**


The Intellectual Freedom Committee and Committee on Legislation move the adoption of the following action item:

CD # 19.7 "Resolution in Support of Open Educational Resources"


In closing, the Intellectual Freedom Committee thanks the division and chapter intellectual freedom committees, the Intellectual Freedom Round Table, the unit liaisons, and the OIF staff. The IFC would like to again thank their outgoing members for their incredible dedication and leadership, as well as welcome incoming committee members and committee associates.


Respectfully Submitted,


ALA Intellectual Freedom Committee

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# Library Privacy Checklist for Assistive Technology

This checklist is intended to help libraries of all types to take practical steps to implement the principles that are expressed in the Library Privacy Guidelines for Assistive Technology. (http://www.ala.org/advocacy/privacy/guidelines/assistive-technology)

Priority 1 actions are those that all libraries can take to improve privacy practices. Priority 2 and Priority 3 actions may be more difficult for libraries to implement depending on their technical expertise, available resources, and organizational structure.

**Priority 1 Actions**

1. Create internal library procedures to protect assistive technology users' privacy based on:
    a. Library policies related to privacy and confidentiality of user data, especially assistive tech equipment user records, and the use of library resources in all formats;
    b. Federal laws such as the Americans with Disabilities Act and The Rehabilitation Act of 1973 as well as federal privacy laws and state privacy laws regarding library records;
    c. ALA policy statements and resources;
    d. Resources provided by national disabilities associations and state library associations.
2. Deploy low-tech assistive technology that have fewer user privacy implications such as cardboard communication boards or hand-held magnifiers.
3. Provide over-the-ear headphones for users to borrow.
4. Design, test, and implement means to isolate users from being overheard or seen in their assistive technology usage.
    a. If possible, begin discussions to allocate a separate room or facility for exclusive assistive technology use.
5. Design, test, and implement line-of-sight screening for publically accessible computers.
6. Configure equipment usage software to delete users' assistive technology borrowing history and retain only minimally necessary records regarding the use of assistive technology.
    a. Store all records that contain personally identifiable information in a secured area and destroy after business use.

7. Train multiple members of the library staff on assistive technology equipment usage as well as user privacy assurance support. Assign at least one person per shift to assist users.
8. Discuss privacy policies with users when they access assistive technology. Adapt presentation of the privacy policies to be responsive to the user's abilities.

**Priority 2 Actions**

1. Educate library boards, administrators, and library workers about assistive technology users' privacy issues and the confidentiality of user data using a variety of communication methods such as in-service training, newsletters, and email messages.
2. Add detailed privacy-related resources to the library collection including items related to users' personal privacy, disability accommodation and privacy rights, and privacy as a national and international issue.
3. Create a privacy information section on the library web page or a privacy-themed pathfinder with disability accommodation and privacy rights resources.
4. Provide privacy screens or recessed displays to users.
5. Provide both black dry-erase boards and white dry-erase boards to give users the option of using either contrast option, depending on their visual needs.
6. Install restoration software or employ other technological means to remove traces of individual use on public access equipment, including computers, and other devices provided by the library.
7. Disable usage tracking on public access computers or other assistive technology devices provided by the library.
8. Train a majority of members of the library staff on assistive technology equipment usage but particularly user privacy assurance support. Assign multiple people per shift to assist users.
9. Begin planning a separate room or facility for exclusive assistive technology use.

**Priority 3 Actions**

1. Educate all library users about assistive technology users' privacy issues and the confidentiality of user data using a variety of communication methods such as displays, open houses, and website messaging.
2. Audit the detailed privacy-related resources in the library collection including items related to users' personal privacy, disability accommodation and privacy rights, and privacy as a national and international issues and increase as needed.

3. Anonymize transactional logs generated by access control software and network authentication. Destroy usage data when no longer needed.
4. Routinely perform a security audit of the assistive technology to attempt to locate deficiencies in the security of the systems. This should include software-based and physical inspections.
5. Designate a separate room or a well-screened section for assistive technology users that allows lighting and other environmental factors to be adjusted based on user preferences.
6. Train all library staff on assistive technology equipment usage but particularly user privacy assurance support.
7. Work with all library or library district stakeholders to create an official library privacy policy about assistive technology availability and use records as well as the use of library resources. The policy should include:

   a. Representatives from disability groups and support organizations should be included in the policy creation process;
   b. The privacy policy should be approved by the library's governing body;
   c. Post the policy in the library and on the library's website;
   d. Promote the library's privacy policy within the community;
   e. Work with library officials to incorporate privacy protections into assistive technology requests for proposal and resulting contracts;
   f. Discuss privacy concerns with digital resource and technology vendors when negotiating contracts;
   g. Ensure that all online transactions between client applications and server applications are encrypted.
   h. Ensure that storage of personally identifiable assistive technology information is housed using encrypted storage.

**This checklist details the practical steps libraries can take to implement the Library Privacy Guidelines for Assistive Technology (http://www.ala.org/advocacy/privacy/guidelines/assistive-technology). Additional resources can be found on the Choose Privacy Every Day website. (https://chooseprivacyeveryday.org/)**

# Radical Empathy Report from the Intellectual Freedom and Social Justice Subgroup

Libraries should be a force for social change. We in the American Library Association can no longer sit on the sidelines in the face of continuing inequity and injustice. We aspire to a more equitable, diverse, and inclusive future and refuse any longer to hide behind the practice of neutrality.

In response to our charge (from the Resolution and Council) the Intellectual Freedom and Social Justice Subgroup was formed, with representatives from the Accessibility Assembly; American Indian Library Association; Asian Pacific American Librarians Association; Black Caucus of the American Library Association; Chinese American Librarians Association; Committee on Diversity; Committee on Professional Ethics; Intellectual Freedom Committee; Joint Council of Librarians of Color; Library Services to the Justice Involved Interest Group; National Association to Promote Library and Information Services to Latinos and the Spanish-Speaking; Rainbow Round Table; and the Social Responsibilities Round Table. Having reviewed neutrality rhetoric and searched for an alternative, we propose the adoption of radical empathy as a framework for replacing neutrality, and we will explain how we came to this conclusion.

Though the library profession and its institutions have long perpetuated the myth of neutrality — in fact libraries have had a role in upholding unjust systems of racism and discrimination — it is not accurate to suggest that libraries and library workers are neutral. To be neutral in a system with inherent power differentials is to support the inequities that stem from those differentials and continue to privilege those in power.

Through the adoption of [ALA's core values](), the American Library Association has already eschewed neutrality and taken formal positions on many issues, so it is important to be explicit about our beliefs and how they inform our work. As library workers, we should:

- advance and fully implement equity, diversity, inclusion, and belonging in hiring, mentoring, supporting, and promoting library staff; and advocate for equity, diversity, and inclusion, and belonging in library contractual relationships;
- promote equitable access to information, providing more assistance to those who need it most;
- provide a diversity of perspectives in our collections and resources highlighting communities that have historically been underrepresented or excluded;

- ensure and advance equity in providing access to facilities and services;
- maintain objectivity in providing access to facts and information, educating users about the critical evaluation of information and the structures in which it is created; and
- champion social justice, taking action to combat discrimination and systemic racism.

<u>To succeed in these goals we propose radical empathy rather than neutrality as our guiding value.</u>

Radical empathy, according to Terri Givens, calls for "moving beyond an understanding of others' lives and pain to understand the origins of our biases"[1] including internalized oppression. In order to provide "the highest level of service to all library users,"[2] library workers must practice radical empathy in order to facilitate the necessary structural changes to promote equity. Library workers should employ the attainable radical empathy to replace the flawed application of neutrality in our relationships with users and staff.

Using radical empathy, we can commit to combating implicit and explicit bias and dismantling structural inequities, such as white supremacy, patriarchy, classism, heteronormativity, trans-antagonism, and ableism. Radical empathy calls on library workers to prioritize marginalized people's safety and needs over privileged people's comfort.

We believe that radical empathy is the way to achieve the goal of a more equitable and inclusive future.

1. Dr. Terri E. Givens, "Radical Empathy: Finding a Path to Bridging Racial Divides," Brighter Higher Ed, 2020.

2. *American Library Association's Code of Ethics*, adopted 1939 by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

**Additional Sources Consulted**

Mike Murawski "Towards a More Human-Centered Museum: Part 2, Building a Culture of Empathy," Art Museum Teaching, February 6, 2018.

Jennifer A. Ferretti, "Neutrality is Hostility: The Impact of (False) Neutrality in Academic Librarianship," Medium, February 13, 2018.

Dani Scott and Laura Saunders, "Neutrality in public libraries: How are we defining one of our core values?," *Journal of Librarianship and Information Science*, June 30, 2020.

## Resolution in Support of Open Educational Resources

Whereas "open educational resources are teaching, learning, and research materials [that are] in the public domain or have been released under an open license that permits no-cost access, use, adaptation, and redistribution by others with no or limited restrictions[1]"; and

Whereas open educational resources support equitable access to education by removing financial barriers related to the purchase or rental of required textbooks and other teaching and learning resources; and

Whereas some critics of open educational resources mistakenly imply that these resources are of lower quality because students do not pay for them or may not be sponsored by a major publishing concern; and

Whereas library workers and organizations have a long history of supporting open scholarship and other aspects of open education through the development of statements and toolkits[2]; now, therefore, be it

*Resolved*, that the American Library Association (ALA):

1.  affirms that open educational resources can be as effective, authoritative, and of academically rigorous quality as traditionally published learning materials;
2.  encourages library workers to support initiatives that promote the creation, discovery, dissemination, awareness, and preservation of open educational resources; and
3.  encourages library workers to advocate for initiatives at all levels of government that support open educational resources.

1. Open Educational Resources (OER)," UNESCO.

2. ACRL Policy Statement on Open Access to Scholarship by Academic Librarians," ACRL, approved June 2016 by the ACRL Board of Directors; revised April 2019; "ACRL/CJCLS OER Librarian Toolkit," ACRL, April 29, 2021, https://acrl.libguides.com/cjcls/oer; "Open Education," SPARC; Open Educational Resources Toolkit," AASL, November 2019.