

When the police visit your library

Readers, privacy and intellectual freedom

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Twice in the last four weeks, ALIA members have telephoned me about police entering their libraries, demanding and getting from library staff access to user records and, in one case, to the hard drive of a library computer linked to the internet. *In neither case was a warrant produced or asked for.* The staff involved had no training or management direction in

how to handle such situations. Both libraries were public libraries.

In the case where the computer hard drive was surrendered without any legal justification such as a court order or warrant, the police said that they were responding to a complaint from a member of the public who said that she had overheard a group in the library accessing a website with information on guns.

Fundamental to library service and, therefore, to library service policy, is a commitment to intellectual freedom, given full expression in IFLA's Glasgow Declaration reproduced left.

At state and federal level, Australian law requires libraries to obey privacy laws which restrict the uses of information about library users. Libraries should inform their users about this policy. Monash Public Library Service provides a good example of a privacy policy statement which is placed prominently on its website and which is reproduced opposite. Other examples are the privacy statements of the National Library and the University of Technology, Sydney.

Police powers, court orders and warrants

Unless a crime is in progress or there is present or imminent danger of harm to someone, the powers of police to enter premises, obtain information or search or arrest people are circumscribed by various laws.

The search, seizure and entry provisions of state laws, which have largely superseded common law protections of citizen's rights, require police to apply for a search warrant or a court order and to produce it with a copy for the recipient. The warrant contains details of the 'reasonable grounds for believing...' that access to particular records is necessary and *that their action is concerned with stated indictable offences.* It is not an offence in Australian law to read about guns, bombs or weapons of mass destruction or to discuss them.

Library staff should not surrender information without a court order or a warrant. Even our new terrorism laws require authorisation of such invasion of privacy. Apart from ethical considerations, staff might be releasing information about a user's name and address in breach, not only of privacy principles, but of specific protection, such as a domestic violence order. Police are required to give a receipt for the items they confiscate (with sufficient detail to identify the items accurately). This is a protection for both parties.

The Glasgow Declaration on Libraries, Information Services and Intellectual Freedom

At a meeting in Glasgow on the occasion of the 75th anniversary of its formation, the International Federation of Library Associations and Institutions (IFLA) declares that:

IFLA proclaims the fundamental right of human beings both to access and to express information without restriction.

IFLA and its worldwide membership support, defend and promote intellectual freedom as expressed in the United Nations Universal Declaration of Human Rights. This intellectual freedom encompasses the wealth of human knowledge, opinion, creative thought and intellectual activity.

IFLA asserts that a commitment to intellectual freedom is a core responsibility of the library and information profession worldwide, expressed through codes of ethics and demonstrated through practice.

IFLA affirms that:

- Libraries and information services provide access to information, ideas and works of imagination in any medium and regardless of frontiers. They serve as gateways to knowledge, thought and culture, offering essential support for independent decision-making, cultural development, research and lifelong learning by both individuals and groups.
- Libraries and information services contribute to the development and maintenance of intellectual freedom and help to safeguard democratic values and universal civil rights. Consequently, they are committed to offering their clients access to relevant resources and services without restriction and to opposing any form of censorship.
- Libraries and information services shall acquire, preserve and make available the widest variety of materials, reflecting the plurality and diversity of society. The selection and availability of library materials and services shall be governed by professional considerations and not by political, moral and religious views.
- Libraries and information services shall make materials, facilities and services equally accessible to all users. There shall be no discrimination for any reason including race, national or ethnic origin, gender or sexual preference, age, disability, religion, or political beliefs.
- Libraries and information services shall protect each user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

IFLA therefore calls upon libraries and information services and their staff to uphold and promote the principles of intellectual freedom and to provide uninhibited access to information.

This Declaration was prepared by IFLA/FAIFE. Approved by the Governing Board of IFLA 27 March 2002, The Hague, Netherlands.

Proclaimed by the Council of IFLA 19 August 2002, Glasgow, Scotland.