

Library Council of New South Wales

Access to Information in New South Wales Public Libraries Guideline

Introduction

This guideline is framed with reference to the *Library Act 1939* and the principles expressed in the Australian Library and Information Association Statements on Free Access to Information and Online Content Regulation and the International Federation of Library Associations and Institutions Statement on Libraries and Intellectual Freedom.

Policy Statement

The State Library of New South Wales and the statewide network of public libraries provide free and equitable access to information for the people of New South Wales.

Collections

Public libraries develop and maintain collections of resources to meet the information needs and interests of their communities. Libraries have collection development policies and guidelines to assist in the selection of library material.

1. A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on current and historical issues, including controversial issues.
2. Libraries should endeavour to provide access to comprehensive and balanced collections that meet the needs of their communities as far as budget, space and availability of materials allow.
3. Library materials that have not been subject to Federal and State restriction or prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other sensitive grounds alone. Nor should library materials be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups.
4. The arrangement of the collection should facilitate access. Restricting access to certain titles or classes of materials, eg. by holding them in special collections available on request, can be an indirect form of censorship. No materials should be held in closed access except for the express purpose of protecting them from injury, theft or due to Office of Film and Literature Classification restrictions.¹

¹ Australian Government Office of Film and Literature Classification <http://www.oflc.gov.au/>

5. Adult collections should not be limited because of the possibility that materials may fall into the hands of children. Monitoring the reading of children is the responsibility of their parents or guardians.

Library Use

6. Everyone has the right to use a public library whatever their age, sex, race, religion, cultural identity, language, disability, socioeconomic status, individual lifestyle, political allegiance or social views.
7. Library clients must be sensitive to the values and beliefs of others when displaying potentially controversial information or images on computer screens located in public areas (see explanatory note). Where a client is found to be using Library computers to access pornographic, offensive or objectionable material, or for any unlawful purpose, the Library reserves the right to direct the client to leave the Library, to direct that the client not re-enter the Library for a specified period and to report unlawful conduct to the relevant authorities.
8. The Library Council does not support the use of censoring software as it inhibits free access to information (see 3) and it does not provide adequate protection for children from all material that may be harmful on the Internet.
9. The Library Council supports the right and responsibility of parents and guardians to direct the use of the Internet by their children. Parents and guardians who wish to limit or restrict access by their children should personally oversee their use of the Internet and other forms of electronic information.²

Role of Public Librarians

10. Librarians should not exercise censorship in the selection of materials by rejecting, solely on the grounds mentioned in (3), material which is otherwise relevant and which meets the standards of the library concerned.
11. Notwithstanding their opposition to censorship, librarians must strictly observe laws, which may ban or restrict access to certain material.
12. Librarians have a role in educating clients in the safe and informed use of the Internet, guided by acceptable use policies.

The continuous review of library materials is necessary as a means of maintaining a current and useful collection. This procedure should not be used as a means of removing materials presumed to be controversial or disapproved of by sections of the community.

² Australian Library and Information Association Guidelines relating to online content regulation <http://www.alia.org.au/>

Explanatory note:

The *Library Regulation 2005*, Section 17(1)(b) states that library users may be directed to leave if the person's conduct or manner is likely to give offence to any person in the library or to interfere with any other person's use of the library. This may include accessing websites that may reasonably be considered to offend. Examples may include displaying images of deceased persons which can cause offence to Aboriginal and Torres Strait Islander people, or displaying adult content.

Alternatively, there may be legitimate reasons for accessing such material requiring special arrangements to be made with the library staff.

Procedures

It is recommended that public libraries implement procedures to address certain situations or offences that may occur. These include:

- Under the Classification (Publications, Films and Computer Games) Enforcement Act 1995 persons are taken to have publicly exhibited a film or computer game where they have "superintendence of management" of the public place where the exhibition or demonstration takes place. It is advisable that the Library develop appropriate procedures to be observed where clients are found to be accessing material on library computers or on library premises which would otherwise be restricted under this Act.

The suggested procedure is for staff to instruct the client to stop accessing the material. In some circumstances it may be appropriate for staff to contact the relevant authorities. In other circumstances it may be appropriate to suggest that the client accesses the material in a different part of the library not accessible to the general public.

- It is possible that the Library may, as a result of a client's unlawful internet use, inadvertently come to possess child pornography (if downloaded to a computer drive). Section 91H of the Crimes Act 1900 contains defences that should protect library staff from criminal liability in these circumstances. It is advisable that the Library develop a policy to address circumstances where clients are found to have accessed child pornography.

Such procedures would involve reporting the incident to the NSW Police Force, ensuring that the material is not able to be accessed by other clients using the computer(s), and once advised by the authorities that is appropriate to do so, deleting the material from the Library's system.

Related documents

Library Regulation 2005
www.legislation.nsw.gov.au

Library Council of NSW
Children's Policy Guidelines for NSW Public Libraries March 2005
http://www.sl.nsw.gov.au/pls/policies/pdf/childrens_policy_2005.pdf

ALIA Statement on Free Access to Information
<http://alia.org.au/policies/free.access.html>

ALIA Statement on Online Content Regulation
<http://www.alia.org.au/policies/content.regulation.html>

International Federation of Library Associations and Institutions (IFLA)
Statement on Libraries and Intellectual Freedom
<http://www.ifla.org/V/press/pr990326.htm>

Library Council of NSW, endorsed 24 April 2006 (updated 27 August 2007)
www.sl.nsw.gov.au/pls/policies/

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Information on this Guideline is available from the State Library of NSW,
Public Library Services division.