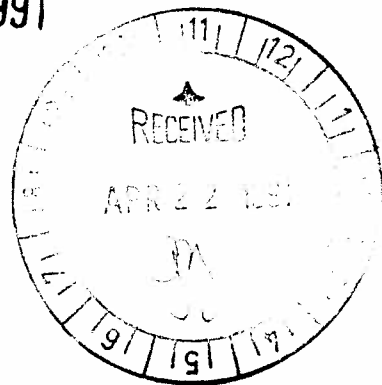


Territory of Guam
Federated Guam

THE TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

RECEIVED
APR 19 1991



The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 124, which I have signed into law this date as Public Law 21-05.

Sincerely,

JOSEPH F. ADA
Governor

Attachment

210195

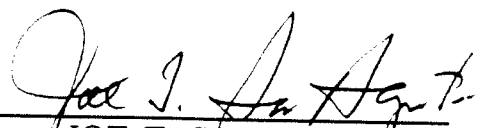


Commonwealth Now!

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

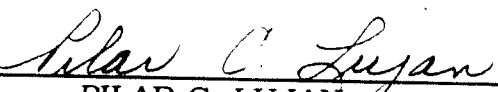
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 124 (COR), "AN ACT TO ADD §42023 TO CHAPTER 1, TITLE XXXVIII, GOVERNMENT CODE OF GUAM, RELATIVE TO CONFIDENTIALITY OF LIBRARY RECORDS," was on the 3rd day of April, 1991, duly and regularly passed.



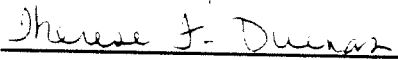
JOE T. SAN AGUSTIN
Speaker

Attested:



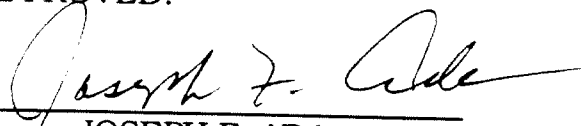
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 9th day of April, 1991, at 3:15 o'clock P.m.



Theresa F. Duran
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: APR 19 1991

Public Law No. 21-05

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 124 (COR)
As Substituted by the
Committee on Education

Introduced by:

P. C. Lujan
J. P. Aguon
E. P. Arriola
J. G. Bamba
A. C. Blaz
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
C. T. C. Gutierrez
G. Mailloux
M. D. A. Manibusan
D. Parkinson
M. J. Reidy
M. C. Ruth
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD §42023 TO CHAPTER 1, TITLE XXXVIII,
GOVERNMENT CODE OF GUAM, RELATIVE TO
CONFIDENTIALITY OF LIBRARY RECORDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 **Section 1.** New §42023 is hereby added to Chapter 1, Title XXXVIII,
3 Government Code of Guam, to read as follows:

4 "§42023. **Confidentiality of library records.**

5 (a) A library or library system operated with public monies
6 shall not allow disclosure of any record or other information,
7 written or oral, which identifies a user of library services as
8 requesting or obtaining specific materials or services or as
9 otherwise using the library.

10 (b) Records may be disclosed:

11 1. If necessary for the reasonable operation of the

1
2
3
4
5
6
7

library.

2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

(c) Any person who knowingly discloses any record or other information in violation of this section is guilty of a "Petty Misdemeanor".

Bill No. 124

Resolution No. _____

Date: 4/3/91

Question: _____

	Ayes	Noes	NOT Voting	Absent
1. AGUON, John Perez	✓			
2. ARRIOLA, Elizabeth Perez	✓			
3. BAMBA, J. George	✓			
4. BLAZ, Anthony Crisostomo	✓			
5. BROOKS, Doris Flores	✓			
6. DIERKING, Herminia Duenas	✓			
7. DUENAS, Edward Ramirez				✓
8. ESPALDON, Ernesto M. (M.D.)	✓			
9. GUTIERREZ, Carl T. C.	✓			
10. LUJAN, Pilar Cruz	✓			
11. MAILLOUX, Gordon	✓			
12. MANIBUSAN, Marilyn D. A.	✓			
13. PARKINSON, Don	✓			
14. REIDY, Michael	✓			
15. RUTH, Martha Cruz	✓			
16. SAN AGUSTIN, Joe Taitano	✓			
17. SANTOS, Francisco Rivera	✓			
18. SHIMIZU, David L. G. (M.D.)	✓			
19. TANAKA, Thomas V. C.	✓			
20. UNPINGCO, Antonio Reyes	✓			



JOE T. SAN AGUSTIN
SPEAKER

Office of the Speaker

TWENTY-FIRST GUAM LEGISLATURE

155 Hesler St.

Agana, Guam U.S.A. 96910

Tel: (671) 477-8527/9120 • Fax: (671) 477-5570

April 3, 1991

Honorable Joe T. San Agustin
Speaker
Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Education, to which Bill No. 124/196 was referred, wishes to report its findings and recommendations.

The Committee voting record is as follows:

To do pass	<u>12</u>
To not pass	<u>0</u>
To report out	<u>0</u>
Off-Island	<u>0</u>

A copy of the report and all other pertinent documents are attached for your information.

Sincerely,

JOE T. SAN AGUSTIN
Chairman
Committee on Education

attachments

VOTE SHEET
 COMMITTEE ON EDUCATION

BILL NO. 124/194
 "AN ACT TO ADD SECTION 42023 TO GOVERNMENT
 OF GUAM CODE, TITLE XXXVIII, CHAPTER I,
 RELATIVE TO THE CONFIDENTIALITY OF LIBRARY RECORDS."

<u>SENATOR</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>TO REPORT OUT</u>	<u>COMMENTS</u>
<u>Joe T. San Agustin</u> SPEAKER JOE T. SAN AGUSTIN Chairperson	✓			
<u>David L.G. Shimizu</u> SENATOR DAVID L.G. SHIMIZU Vice-Chairperson	✓			
<u>John P. Aguon</u> VICE-SPEAKER JOHN P. AGUON Member	✓			
<u>Elizabeth P. Arriola</u> SENATOR ELIZABETH P. ARRIOLA Member	✓			
<u>J. George Bamba</u> SENATOR J. GEORGE BAMBA Member	✓			
<u>Anthony C. Blaz</u> SENATOR ANTHONY C. BLAZ Member	✓			
<u>Doris F. Brooks</u> SENATOR DORIS F. BROOKS Member	✓			
<u>Herminia D. Dierking</u> SENATOR HERMINIA D. DIERKING Member	✓			
<u>Edward R. Duenas</u> SENATOR EDWARD R. DUENAS Member	✓			

VOTE SHEET
 COMMITTEE ON EDUCATION
 BILL NO. 124

<u>SENATOR</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>TO REPORT OUT</u>	<u>COMMENTS</u>
<i>Notes</i> SENATOR CARL T.C. GUTIERREZ Member	✓			
<i>Marilyn Manibusan</i> SENATOR MARILYN D.A. MANIBUSAN Member	✓			
<i>Sam</i> SENATOR THOMAS V.C. TANAKA Member	✓			

COMMITTEE REPORT ON
BILL NO. 124/196

"AN ACT TO ADD SECTION 42023 TO GOVERNMENT OF GUAM
CODE, TITLE XXXVIII, CHAPTER 1, RELATIVE TO THE
CONFIDENTIALITY OF LIBRARY RECORDS."

The Committee on Education held a public hearing on Bill No. 124 on March 25, 1991. A written testimony was submitted by Frank R. San Agustin, Territorial Librarian.

BACKGROUND

Bill No. 124/196 (See Exhibits B & C) was referred to the Committee on January 31, 1991. This bill was introduced by Sen. Pilar C. Lujan. Bill No. 196 is identical to Bill No. 124 which had been inadvertently introduced as stated in the memorandum (See Exhibit D) sent by Sen. Lujan to the Committee.

Bill 124/196 was recommended by the delegates of the Guam Governor's Conference on Library and Information Services last November to adopt a confidentiality of library laws.

A fiscal note was received from the Bureau of Budget & Management Research dated March 25, 1991. Based on the information provided, BBMR requested that Bill No. 124/196 be granted a waiver because the intent of this bill is administrative in nature and poses no fiscal impact on the General Fund. (See Exhibit E).

TESTIMONY

On the March 25, hearing, written testimonies were submitted by Frank R. San Agustin, Territorial Librarian and Mark C. Goniwiecha, UOG- Instructor of Library Science, RFK Library, both of which support Bill No. 124/196.

Frank R. San Agustin views the bill as an extension of the First Amendment, PL 18-47, Chapter 9, "Freedom of Information Act." It would protect the rights and privacy of library users; provide confidentiality of materials requested and persons requesting; establish fiduciary responsibility of library staff; and impose penalty to any person guilty of violating this. (See Exhibit F).

He also proposed a change in his written testimony under Section 42023 under (a) in lines 6-7 to add the words, "written or oral"... after "other information,".

Mark C. Goniwiecha also supported this bill stating that similar laws are now in effect in 43 states and the District of Columbia. (See Exhibit G). He also mentioned that it is

supported by the Guam Library Association and the American Library Association.

COMMITTEE FINDINGS

The Committee finds that such the enactment of Bill No. 124 will encourage the Guam Library users to utilize these informational materials and the library services available to everyone and yet maintain the confidentiality of requesting or using them.

RECOMMENDATION

The Committee hereby recommends passage of Bill No. 124, as substituted. (See Exhibit A). The Committee also recommend that Bill 196 be placed in the Inactive File.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 124
As Substituted by the
Committee on Education

Introduced by:

Pilar C. Lujan

P. Lujan
AN ACT TO ADD SECTION 42023 TO GOVERNMENT OF GUAM
CODE, TITLE XXXVIII, CHAPTER 1, RELATIVE TO THE
CONFIDENTIALITY OF LIBRARY RECORDS.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. New Section 42023 is hereby added to
Chapter 1, Title XXXVIII, Government Code of Guam, to read as
follows:

"Section 42023. Confidentiality of Library Records.

(a) A library or library system by public monies shall not allow disclosure of any record or other information, written or oral, which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

(b) Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

(c) Any person who knowingly discloses any record or other information in violation of this section is guilty of a "Petty Misdemeanor."

For Mon. 1/24

*EXHIBIT
B*

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 124

Introduced by Pilar C. Lujan *PL*

AN ACT TO ADD §42023 TO GOVERNMENT OF
GUAM CODE, TITLE XXXVIII, CHAPTER 1,
RELATIVE TO THE CONFIDENTIALITY OF
LIBRARY RECORDS.

§ due

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. New §42023 is hereby added to Chapter 1,
Title XXXVIII, Government Code of Guam, to read as follows:

"§42023. Confidentiality of Library Records.

(a) A library or library system by public monies shall not allow disclosure of any record or other information which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

(b) Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

(c) Any person who knowingly discloses any record or other information in violation of this section is guilty of a Petty Misdemeanor."

for Man Ng

EXHIBIT
"C"

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 196 LS

Introduced by

Pilar C. Lujan *PL*

in case

AN ACT TO ADD §42023 TO GOVERNMENT OF
GUAM CODE, TITLE XXXVIII, CHAPTER 1,
RELATIVE TO THE CONFIDENTIALITY OF
LIBRARY RECORDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. New §42023 is hereby added to Chapter 1,
3 Title XXXVIII, Government Code of Guam, to read as follows:

4 "§42023. Confidentiality of Library Records.

5 (a) A library or library system by public
6 monies shall not allow disclosure of any record or other
7 information which identifies a user of library services as
8 requesting or obtaining specific materials or services or as
9 otherwise using the library.

10 (b) Records may be disclosed:

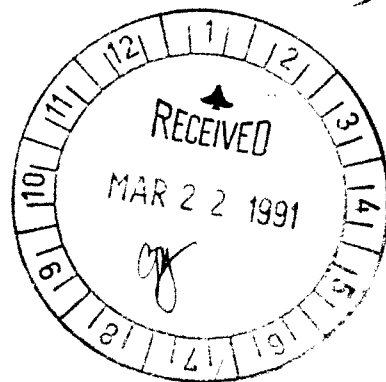
- 11 1. If necessary for the reasonable
- 12 operation of the library.
- 13 2. On written consent of the user.
- 14 3. On receipt of a court order.
- 15 4. If required by law.

16 (c) Any person who knowingly discloses any
17 record or other information in violation of this section is
18 guilty of a Petty Misdemeanor."

EXHIBIT
D



PILAR C. LUJAN
SENATOR • LEGISLATIVE SECRETARY
CHAIRMAN - Committee on Judiciary and Criminal Justice



March 21, 1991

MEMORANDUM

TO: Chairman, Committee on Education

SUBJECT: Request for Withdrawal of Bill 196

It has been brought to my attention that Bill No. 196, which is identical to Bill No. 124, had been inadvertently introduced.

Since I am the sponsor of both bills, I respectfully request that Bill 196 be disregarded in its entirety.

I appreciate your consideration on this matter.

Sincerely,

Pilar C. Lujan
Pilar C. Lujan



BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

GIOVANNI T. SGAMBELLURI
Director

MAR 22 1991



The Bureau requests that Bill Nos. 124 and 196(LS) be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Bill Nos. 124 and 196 is an act to add Section 42023 to Chapter 1, Title XXXVIII, of the Government Code of Guam relative to the confidentiality of library records.

The intent of the proposed legislations are administrative in nature and poses no fiscal impact on the General Fund.

Benedetta J. DeNovey
GIOVANNI T. SGAMBELLURI
Acting



TESTIMONY ON BILL NO. 196

Good afternoon Senator Shimizu and members of the Committee on Education. My name is Frank R. San Agustin, Territorial Librarian. Thank you for inviting me this afternoon to testify on Bill No. 196. I support Bill No. 196, An Act to add Section 42023 to the Government Code of Guam, Title 38, Chapter 1, relative to the confidentiality of library records.

As the Territorial Librarian for Guam's public libraries, I view the bill as an extension of the 1st Amendment of our Constitution and Public Law 18-47, Chapter 9, "Freedom of Information Act." To view freedom of speech as an inalienable right, is not complete, unless we have freedom to read.

The timing of this bill is very stimulating as we prepare to send Guam's delegates to Washington, D. C. for the 2nd White House Conference on Library and Information Services (WHCLIS II) scheduled for July 9 - 13, 1991.

During the Guam Governor's Conference on Library and Information Services last November, the delegates approved the recommendation to adopt a confidentiality of library records law which gives affirmative protection to personally identifiable information such as names, addresses and Social Security numbers in library transactions such as circulation or reference requests, written or oral. I commend Senator Pilar Lujan for the introduction of this bill. Similar laws exist throughout most of the fifty states including Arizona, Colorado, Maine and Minnesota and reinforce the American Library

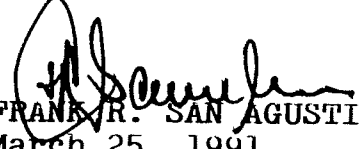
Testimony on Bill No. 196
Page 2

Association's position on Intellectual Freedom. The Guam Public Library Board accepted the ALA standards and policies governing library services and practices and has incorporated these standards and policies into the Library Board manual.

This bill, if enacted into law, would 1) protect the rights and privacy of library users; 2) provide confidentiality of materials requested and persons requesting; 3) established fiduciary responsibility of library staff; and 4) impose penalty to any person guilty of violating Section 42023 of the Government Code of Guam, Title 38. The bottom line effect of this bill, if enacted into law, would be to encourage greater participation by researchers, scholarly people and the general public in utilizing the abundance of informational material and library services available to everyone and for whatever reason.

The only change I would like to see under Section 42023 (a) to provide greater clarity is to add after "other information," the words, "written or oral..."

Thank you again for the invitation to appear before you today. I support the bill with the single change noted above and we are prepared to answer any question you may have.


FRANK R. SAN AGUSTIN
March 25, 1991



University of Guam

LEARNING RESOURCES

UOG STATION, MANGILAO, GUAM 96923

734-9105/9124

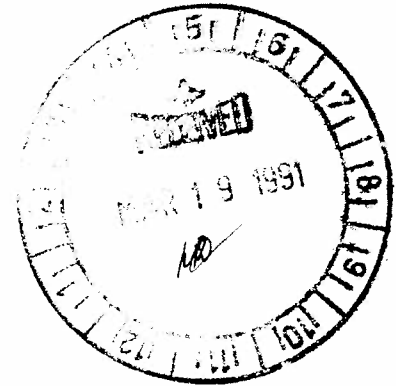
PHONES: (671) ~~734-9105~~ ~~734-9124~~
• ROBERT F. KENNEDY MEMORIAL LIBRARY

FAX: (671) 734-6882
• INSTRUCTIONAL MEDIA SERVICES

Exhibit
6

March 18, 1991

Senator David L.G. Shimizu, Acting Chair
Committee on Education
Guam Legislature
Agana, Guam



Dear Senator Shimizu,
Members of the Committee on Education, and
All Senators of the Guam Legislature,

I will be off-island on March 25, when the hearing is held on Bill No. 124/196, regarding the confidentiality of library records. Therefore, I am submitting my testimony in writing.

As a professional librarian, a University of Guam RFK Library faculty member, a Guam Library Association officer, and a former member of the American Library Association Intellectual Freedom Committee, I am very supportive of this proposed law.

Similar laws are now in effect in 43 states and the District of Columbia. This bill, if enacted into law, would protect the rights of Guam's library users. It requires public libraries to maintain the confidentiality of records containing personally identifiable information linking library users to the library materials and information requested, checked out or consulted. These records include both oral and written transactions, such as reference questions and interviews, circulation records of materials borrowed, records of computer searches of bibliographic databases, and records of interlibrary loan transactions, among others.

Library users or patrons have the right to request and use library information and materials in confidence. The "right to read" is an important corollary of the freedom of speech and of the press. If we have the freedom to print, by inference we have the right to read what is printed. No matter what the subject--no matter how unorthodox or unpopular--it is not a crime to read any material in the United States. The suspicion that some other use might be made of personal information has a very chilling effect on library users' perceptions of their rights.

[continued]

Sen. D. Shimizu
March 18, 1991
page 2

I commend Senator Pilar Lujan for introducing this bill. It was recommended formally by the 150 delegates of the Guam Governor's Conference on Library and Information Services last November. It is supported by the Guam Library Association and the American Library Association. It is a non-budgetary item--i.e., it costs nothing to protect the rights of Guam's reading public. I encourage the Guam Legislature to approve this bill without any revision.

Thank you for your attention and consideration.

Sincerely,



Mark C. Goniwiecha
Instructor of Library Science
RFK Library

Recommendation:

That the Guam Legislature adopt a "confidentiality of library records" law which gives affirmative protection to personally identifiable information--such as names, addresses, social security numbers, and so on--in library records, including, but not limited to, circulation and interlibrary loan transactions, online database searches, and reference requests, whether written or oral.

This is an "non-budgetary" statute--i.e., it costs nothing to protect the rights of Guam's library users.

Rationale:

The right to think and the right to read are highly prized corollary components of the freedom of speech and of the press.

Evidence of what people are asking about or reading--no matter how unusual, unorthodox, or even illegal the subject--may never itself be viewed as evidence of illegal activity. In fact, an investigation of what library users read or inquire about is in itself an invasion of privacy and an infringement on the freedom of thought guaranteed by the First Amendment to the U.S. Constitution.

As of early 1990, 43 states and the District of Columbia had adopted laws affirming the confidentiality of library records. (See samples from several states attached.)

It's time for Guam to join with the majority of states and protect the rights of our reading public!

7-30-90 MCG

§ 41-1354. Privacy of user records; exceptions; violation; classification

Prize

A. Except as provided in subsection B, a library system supported by public monies shall not allow disclosure of any record or other information which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

B. Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

C. Any person who knowingly discloses any record or other information in violation of this section is guilty of a class 3 misdemeanor. Added by Laws 1985, Ch. 69, § 1.

Colorado

24-90-119. Privacy of user records. (1) Except as set forth in subsection (2) of this section, a publicly-supported library or library system shall not disclose any record or other information which identifies a person as having requested or obtained specific materials or service or as otherwise having used the library.

(2) Records may be disclosed in the following instances:

- (a) When necessary for the reasonable operation of the library;
- (b) Upon written consent of the user;
- (c) Pursuant to subpoena, upon court order, or where otherwise required by law.

(3) Any library or library system official, employee, or volunteer who discloses information in violation of this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars.

Source: L. 83, p. 1023, § 1.

Maine

CHAPTER 4-A
LIBRARY RECORDS

Maine

Section
121. Confidentiality of library records.

Chapter 4-A, Library Records, was enacted by Laws 1983, c. 208.

§ 121. Confidentiality of library records

Records maintained by any public municipal library, including the Maine State Library, which contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library, shall be confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

Public municipal libraries shall have up to 5 years from the effective date of this chapter to be in compliance with this section.
1983, c. 208.

Library References

Records 54.
C.J.S. Records § 38.

Maine note

13.40. Library data

Subdivision 1. All records collected, maintained, used or disseminated by a library operated by any state agency, political subdivision or statewide system shall be administered in accordance with the provisions of this chapter.

Subd. 2. That portion of records maintained by a library which links a library patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is classified as private, pursuant to section 13.02, subdivision 12, and shall not be disclosed except pursuant to a valid court order.

Historical Note

Derivations:
Laws 1982, c. 545, §§ 6, 24.
Laws 1981, c. 311, § 39.

St. 1980, § 15.1679.
Laws 1980, c. 603, § 21.

American Library Association

POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS*

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users to be confidential in nature.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.**

*Note: See also ALA POLICY MANUAL 54.16 - CODE OF ETHICS, point #3, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired."

**Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986,
by the ALA Council

See reverse side for suggested procedures for implementation.

[ISBN 8389-6082-0]

SUGGESTED PROCEDURES FOR IMPLEMENTING
"POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS"

When drafting local policies, libraries should consult with their legal counsel to insure these policies are based upon and consistent with applicable federal, state, and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy.

Suggested procedures include the following:

1. The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users, will immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of subpoena "duces tecum" [bring your records] requiring the responsible officer to attend court or the taking of his/her disposition and may require him/her to bring along certain designated circulation or other specified records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the appropriate legal officer of the institution.
5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the responsible officer.

Adopted by the ALA Intellectual Freedom Committee,
January 9, 1983; revised January 11, 1988

[confpol.pro]

RESOLUTION ON FBI LIBRARY AWARENESS PROGRAM

WHEREAS, The American Library Association has previously condemned the FBI Library Awareness Program and similar programs because of their infringement on the exercise of First Amendment rights; and

WHEREAS, The American Library Association has expressed its strong support for H.R. 50 "a bill to regulate the conduct of the Federal Bureau of Investigation in certain matters relating to the exercise of rights protected by the first article of amendment of the Federal Constitution;" and

WHEREAS, Documents recently released by the FBI under the Freedom of Information Act reveal that 266 checks were conducted on names of individuals connected in any way with the Library Awareness Program since October 1987 "to determine whether a Soviet active measures campaign had been initiated to discredit the Library Awareness Program;" and

WHEREAS, The FBI has continued to visit libraries and seek out librarians, including a documented visit as recently as December 20, 1989; now therefore be it

RESOLVED, That the American Library Association request that the FBI provide the 266 individuals and subsequent others for whom indices checks were made with copies of their own files at no cost; and be it further

RESOLVED, That the American Library Association request that the FBI after providing the information to the individuals involved, expunge such records from FBI files; and be it further

RESOLVED, That the American Library Association express its outrage at the continuation of the Library Awareness Program and all similar attempts to intimidate the library community and to interfere with the privacy rights of users; and be it further

RESOLVED, That copies of this resolution be forwarded to the President of the United States, the Senate Judiciary Subcommittee on Technology and the Law, the House Judiciary Subcommittee on Civil and Constitutional Rights and to the Director of the Federal Bureau of Investigation.

Adopted by the ALA Council
January 10, 1990.

STATEMENT ON PROFESSIONAL ETHICS, 1981

Introduction

Since 1939, the American Library Association has recognized the importance of codifying and making known to the public and the profession the principles which guide librarians in action. This latest revision of the CODE OF ETHICS reflects changes in the nature of the profession and in its social and institutional environment. It should be revised and augmented as necessary.

Librarians significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, librarians are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

Librarians are dependent upon one another for the bibliographical resources that enable us to provide information services, and have obligations for maintaining the highest level of personal integrity and competence.

Code of Ethics

- I. Librarians must provide the highest level of service through appropriate and usefully organized collections, fair and equitable circulation and service policies, and skillful, accurate, unbiased, and courteous responses to all requests for assistance.
- II. Librarians must resist all efforts by groups or individuals to censor library materials.
- III. Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired.
- IV. Librarians must adhere to the principles of due process and equality of opportunity in peer relationships and personnel actions.
- V. Librarians must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of an institution or professional body.
- VI. Librarians must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the employing institution.



FREEDOM TO VIEW

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest possible access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video and other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989. Additional copies may be obtained for \$1.00 (to cover postage and handling) from: American Film & Video Association, 920 Barnsdale Road, Suite 152, La Grange Park, Illinois, 60525. (312) 482-4000.

Endorsed by the ALA Council January 10, 1990

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.

Amended February 2, 1961, June 27, 1967, and January 23, 1980,
by the ALA Council.

The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Introduced

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

FEB 16 '91

Bill No. 124 (COR)

Introduced by

Pilar C. Lujan *PL*

AN ACT TO ADD §42023 TO GOVERNMENT OF
GUAM CODE, TITLE XXXVIII, CHAPTER 1,
RELATIVE TO THE CONFIDENTIALITY OF
LIBRARY RECORDS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. New §42023 is hereby added to Chapter 1,
3 Title XXXVIII, Government Code of Guam, to read as follows:

4 "§42023. Confidentiality of Library Records.

5 (a) A library or library system by public
6 monies shall not allow disclosure of any record or other
7 information which identifies a user of library services as
8 requesting or obtaining specific materials or services or as
9 otherwise using the library.

10 (b) Records may be disclosed:

- 11 1. If necessary for the reasonable
12 operation of the library.
13 2. On written consent of the user.
14 3. On receipt of a court order.
15 4. If required by law.

16 (c) Any person who knowingly discloses any
17 record or other information in violation of this section is
18 guilty of a Petty Misdemeanor."