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# 14

# FILTERING ACCESS TO THE INTERNET IN PUBLIC LIBRARIES: AN ETHICAL DILEMMA?

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## 14.1 Introduction

This paper considers the contentious question of whether or not internet access in public libraries should be filtered. It would seem that, in the UK at least, librarians and users think it should, according to findings from the Managing Access to the Internet in Public Libraries (MAIPLE) project. This paper uses the application of the IFLA Code of Ethics and other professional ethical guides to argue that this situation is contrary to our professional ethics, and to propose that we consider alternative approaches to protecting users from 'harmful' online content.

Managing Access to the Internet in Public Libraries (MAIPLE) is a two year project funded by the UK Arts & Humanities Research Council (AHRC). The project commenced in September 2012 and is due to complete at the end of August 2014. The aim of the project is to gain a better understanding, both in quantitative and qualitative terms, of the measures UK public libraries are taking to prevent users from accessing websites deemed to contain inappropriate, harmful or illegal content. It also aims to translate these findings into guidance for practice in order to achieve a more ethically sustainable and harmonised approach to managing internet access in public libraries.

The current paper commences with a brief overview of the context of, and methods adopted by, the MAIPLE project and goes on to outline its key findings and recommendations. These are then considered in the context of the relevant sections of the IFLA Code of Ethics for Librarians and other Information Professionals (IFLA, 2012). It then explores the parallels between notions of traditional book selection and collection development and internet content filtering. Using a combination of Kantian (deontological) and consequentialist (utilitarian) ethical reasoning, it concludes with a proposition that internet filtering is a very different activity to traditional book selection.

## 14.2 Context

Public libraries in the UK currently provide Internet access through 43, 365 terminals (CIPFA, 2012) offering a potential 83, 436 hours and actual 35, 819 recorded hours of usage of library PCs over 4, 384 service points (2011-2012). In relation to Wi-Fi, there were 909 public library service points in England, 103 in Wales, 171 in Scotland and 3 in Northern Ireland in 2012. Many public libraries also provide varying levels of ICT support and training for members of the public. However, since the early days of the advent of public access internet terminals into public libraries, concern has been voiced about the potential the Internet provides to library users wishing to view illegal and/or access offensive material (Spacey, 2003). Surprisingly, however, there is a dearth of knowledge or statistics relating to what measures public libraries in the UK are taking to manage issues of content and access regulation, and relatively little in the way of professional discussion or debate around this topic. Prior to MAIPLE, the most recent UK statistics available with regard to content control mechanisms in public libraries date back to the turn of the century (Willson & Oulton, 2000); there has, however, been some relatively recent research mapping Wi-Fi availability in public

libraries (Batt, 2009) and in relation to public Internet access in Scottish public libraries (Brown & McMenemy, 2012).

A key motivation to explore the issue of internet filtering in public libraries, in addition to any ethical concerns one may have about a profession that publicly rejects the notion of censorship but appears to accept the use of filtering, is the oft-cited inaccuracy of filters as a content restriction measure. There is much evidence of filtering software leading to under- and over-blocking that has the potential to distort the information landscape. These issues have been discussed extensively in both academic and popular literature (e.g. Simpson, 2008; Stol et al., 2009; Ybarra et al., 2009; Hope, 2013; Jivanda, 2013), but to date the technical inaccuracies of such software solutions do not appear to have been accurately resolved. Indeed, given the cultural and contextual difficulties of determining what constitutes offensive content, it is questionable whether a technical solution could ever satisfactorily resolve this dilemma.

### 14.3 Professional ethics

The *IFLA Code of Ethics*, following Article 19 of the *Universal Declaration of Human Rights (UNDHR)*, is unequivocal in its protection of access by all to the full range of knowledge and information, and its rejection of censorship in any form. Article One, paragraph two of the IFLA code states that:

> *Librarians and other information workers reject the denial and restriction of access to information and ideas most particularly through censorship whether by states, governments, or religious or civil society institutions.*

This is endorsed by the UK LIS professional body, CILIP, in its statement of *Ethical Principles*, of which number three comprises:

> *Commitment to the defence, and the advancement, of access to information, ideas and works of the imagination.*

Furthermore, the CILIP *Code of Professional Practice*, whilst not explicitly expressing a rejection of censorship of any kind, nevertheless declares a commitment[1] to:

> *The defence, and the advancement, of access to information, ideas and works of the imagination.*

A point of potential debate with regard to the IFLA code, however, concerns its unequivocal rejection of censorship of any kind. This is in line with the *UNDHR* article 19, which similarly posits no exceptions. The interpretation of this article into other national and supranational instruments has, however, tended towards the inclusion of exceptions. Thus, for example, the *European Convention on Human Rights (ECHR)*, article 10[2], allows for exceptions on such grounds as 'those that are prescribed by law and necessary in a democratic society', including provisions such as

> *'the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary'*

These provisions have generally been included in the implementing laws of nation states, such as, for example the UK *Human Rights Act 1998* (Parliament, 1998). Thus we find ourselves having to question whether the IFLA code is proposing that librarians place their professional ethics and code of practice above the legal framework in which they are required to practice? Or do we rely on our own sense of

[1] CILIP, 2012, Section D, point 2

[2] Council of Europe, 1950: ECHR, article 10).

moral responsibility in order to avoid engaging in what Kutz has termed moral 'complicity'?

We propose that filtering software in this context acts as a form of censorship and that, according to the IFLA Code of Ethics and the other above provisions, should *not* be used as a default solution for the provision of internet access in public libraries. However, this stance does not sit easily alongside the findings from the MAIPLE project.

### 14.4 Methods of the MAIPLE project

The project used a mixed methods approach of desk research, to establish what was already known on the topic, including international comparisons; a questionnaire survey to all UK Public Library Authorities, in order to collect factual, quantitative data on current practices across the sector; in-depth case studies in five Public Library Authorities, in order to explore the impact, effectiveness and attitudes towards such practices; and further desk research to establish how the issue of content control and regulation is being handled by commercial wifi providers in public spaces to facilitate cross-sectoral comparisons. The empirical work was carried out over an 18 month period between January 2013 and June 2014 inclusive.

### 14.5 Findings

Findings thus far suggest that filtering of internet content in public libraries in the UK is a widely accepted practice. *All* authorities responding to our questionnaire (n=80, i.e. 39%) reported that they filter content. Nevertheless, respondents still reported incidences of use of public internet facilities that breached their Acceptable Use Policies (AUPs). The viewing of obscene content was by far the most common breach of the AUP, and was also the category of material most commonly blocked by the filtering software. The use of filtering software had led to complaints from users: 65.8% of respondents had

received a complaint about filtering of content within the previous 12 months, with over-blocking being the subject of 88.5% of these complaints. Most Services had a procedure for users to request the unblocking of sites: however, these processes were often not clearly communicated, and in some instances even library personnel were not aware of how to go about getting sites unblocked. One service stated clearly that 'this is not an option'. We also found that users were often reluctant to contact library staff to request the unblocking of a site, or were simply unaware that it may be possible to do so.

When probing further in our case studies, we found that library personnel at all levels appear to accept the use of filtering software as a pragmatic solution to preventing 'inappropriate' use of internet facilities, even if they are not entirely comfortable with it. Reservations about this need were expressed in comments such as "*We did think long and hard about it because in many ways filtering is anathema to librarians*". On the other hand, some library personnel did not feel there was cause for concern, as this quotation illustrates: "*I don't have any ethical issues with filtering.I think it's something we do need to do*". Another respondents stated that "*In a public space, I do think that it's ethical"*. Survey respondents also felt that filtering was relatively effective: over half of survey respondents judge it to be 'very useful' (56.3 per cent), approximately two-fifths thought it was 'somewhat useful' (41.3 per cent) and just two respondents were negative about filtering, judging it to be 'not very useful' (2.5 per cent).

Perhaps more surprising still, is the support that library users appear to have for filtering of content, as expressed by one young, male user who agreed that the library should filter content because "*You don't come to the library to look at porn and stuff like that, do you?*". An issue of concern was the low level of awareness on the part of many users as to the fact that their information access was being filtered. This was

revealed in comments such as "*It is? So there are things that they just don't let you on?*" from one library user.

## 14.6 Ethical analysis

As a result of the findings of the study, we have had to conclude that filtering software appears to be a widely accepted, albeit imperfect, solution by UK public library personnel and users alike. Our own professional and ethical discomfort with this conclusion has led us to consider the following proposition:

"Is filtering the internet any different from selecting/ rejecting book stock according to a collection development policy?"

We have therefore attempted to deconstruct this argument using deontological and utilitarian ethical reasoning to demonstrate how filtering the internet is indeed different from book stock selection and conflicts with the Code of Ethics.

## 14.7 Deontological/ Kantian reasoning

Immanuel Kant believed that we could identify inherent 'right' or 'wrong' ways in which to act, based on 'whether we could imagine everyone doing them' (Duquenoy et al, 2008, p.8). This kind of thinking led to the concept of a 'categorical imperative' which could be described as an absolute moral rule from which there were no exceptions. Thus for example, we might say that we should not steal, and according to Kantian logic there can be no circumstances in which stealing is acceptable.

By this logic, if we accept the premise that for librarians to engage in censorship is wrong, as suggested by the IFLA code, there can be no exceptions to that rule. Censorship is here defined as 'the suppression or regulation of speech (in its broadest definition) that is considered immoral, heretical, subversive, libellous, damaging to state security, or otherwise offensive' (Duquenoy et al., 2009, p.82). If we further accept

the notion that filtering software *censors* internet content, in so far as it prevents the user from accessing the content, then by Kantian reasoning we must accept that librarians should oppose the use of filtering software in their libraries.

On the other hand, it is hard to assert that making an informed choice as to the optimum use of scarce resources in order to build a balanced collection in accordance with a transparent and mutually agreed collection development policy meets the definition of 'censorship'. There is no attempt or suggestion of suppression or regulation, but instead the aim is to ensure equitable access to a diverse range of quality information resources and to maximise the use of scarce resources. This could be considered to be distributive in impact rather than restrictive, and therefore supports the librarian's categorical imperative of "*the advancement, of access to information, ideas and works of the imagination"* as defined by the CILIP code (CILIP, 2012).

**14.8 Utilitarianism/ Consequentialism**

This line of ethical reasoning, as suggested by the name, considers the 'usefulness' or consequences of actions, rather than whether the action is itself inherently right or wrong. Thus, for example, we might consider telling a lie to be an ethical action if its effect is to spare an individual unhappiness or pain. Using utilitarian reasoning, we judge the 'rightness' of an action as being that which 'brings the greatest benefit to the greatest number of people' (Duquenoy et al., 2008, p.9).

In our case study example, we need to ask ourselves whether filtering of internet content in public libraries produces a better outcome for a greater number of individuals than unfiltered access. This is harder to measure, as it is based on sometimes unknown outcomes (how do we know how each individual is 'harmed' by non-accessed content' or by accessing 'inappropriate' content?). However, the findings of the MAIPLE project provide sufficient evidence to suggest that blocking of

legitimate content is a serious and ongoing problem in libraries with filtering in place, and that users are being disadvantaged in their search for information. Moreover, it is also potentially the case that, by limiting their access to the full range of content, users are not learning the information literacy skills that afford genuine and sustainable protection in the digital arena (Cooke, 2007). The oft-used analogy here is that we can try to prevent individuals from drowning by placing barriers to swimming pools: or we can teach them to swim (National Research Council, 2001, cited in Kranich, 2004, p.17).

By never encountering inappropriate content, individuals do not develop the ability to decipher for themselves which content might be appropriate or not. Given the unreliability of filtering software, this is an essential skill in today's world. We also need to take account of other measures to achieve similar goals (e.g. child protection) that may have a less restrictive impact on information access: e.g. situating public access terminals apart from areas designated for use by minors; and providing user education, support and training. If we wish to achieve the greatest good for the greatest number of people, then it is arguable that our professional goal would be to facilitate the widest possible information access. Therefore, we suggest that using the consequentialist approach we would still reject the use of filtering software.

On the other hand, given the finite nature of resource budgets, using utilitarian theory we are *obliged* to base our stock selection decisions on a carefully considered collection development policy that aims to meet the needs of our target population in a balanced, objective and fair manner. Without such a policy, and careful, professional selection decision-making, we risk favouring some sections of the population over others, and therefore not maximising the benefit of the largest number of people.

Thus, using this kind of ethical analysis, we can reject the notion that the use of filtering software is no different to the use of a collection

development policy to select stock materials: according to our analysis, one course of action (book selection) appears to sit easily within our ethical framework for practice, whereas the other (filtering software) appears to be more troublesome.

## 14.9 Conclusions and further thoughts

The analysis above suggests that, in line with our professional ethical rejection of censorship, public libraries should not filter their internet access as a default strategy. However, this has proved to be at odds with the findings and conclusions of the MAIPLE project. The project findings demonstrate that public librarians (in the UK, at least) are firmly committed to the filtering of internet access. For them it appears to be a strategy for assuring the 'safety', 'trust' and 'protection' of both their staff and their users. Indeed, even most of the users that we interviewed were accepting of this strategy and recognised it as being '*appropriate in a public space'*. We have therefore had to limit our recommendations to ways in which to modify practice in order to minimise the potential negative impact of internet filtering, e.g. by using the most liberal settings feasible; by ensuring that users are fully informed of the use of filtering software; by having in place simple, transparent and effective procedures in place for requesting the unblocking of sites; and, above all, by remaining committed to the encouragement of further professional debate, education, awareness-raising and transparency about this issue.

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