To Filter or Not to Filter: Legal and Ethical Aspects of Librarians’ Use of Internet Filtering Techniques

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From virtually anywhere that an electronic signal can be received, a world of information is at our fingertips and hours of research can be reduced to minutes just by keying a few well-chosen words into a web portal. It is difficult to control the quantity of the information received, and the quality can range from wholly accurate and reliable to grossly misleading and even dangerous. In our homes it is up to us to judge what is useful and safe and what is not. When public institutions like libraries provide patrons with internet access, it may behove them to exercise some control over what sites are accessible as the potential for harm exists – particularly for those searching for health information.

Internet content filters are designed to control the information accessed by computer users. As such, filters mediate information through their effects on the ability of users to acquire information. Insofar as libraries choose to use filters or not, or to use them in some departments and not others, library administrators are implicated in this process of mediation, albeit tangentially, as their actions may restrict, transform or bias the information available to users. Regulation in the ‘circuit of culture’ is exemplified by the legal framework for decisions about the use and implementation of filters (du Gay et al., 1997; see also Wyatt, Harris and Wathen, this volume). Moreover, it is clear that the legal framework has implications for the production and consumption of information, a point to which we return in the conclusion.

In this chapter, we examine through a legal and ethical lens the use of content control filters which aim to screen out inappropriate websites. Our focus is the public library environment, as these institutions have been the focus of efforts to control access to information. We first briefly review the place of the library in information dissemination. Following that, we look at the prevalence of health information on the
internet. We then discuss the nature of filters and their effects on searches for health information. The legal regimes of four countries – Canada, the United States, the United Kingdom and Australia – are surveyed with respect to internet censorship and filters. Next we examine library responses to the pressure to resort to filters. We conclude with a brief discussion of the ethical issues raised by filters.

Libraries as regulators of information

Libraries strive to be repositories of good information available to the public. Despite increasing economic pressures, public libraries are viewed as a public good worthy of support in that they serve many important functions (see also Henwood et al., this volume). In *Dividends: The Value of the Public Libraries in Canada*, Finch and Warner (1997) found that, among other benefits, libraries provide information cost-effectively, support the local economy, encourage life-long learning and promote Canadian culture. A Florida study found that public support of libraries both encouraged democratic participation and was good for the economy in that every dollar invested in the public library system returned over 6 dollars (Griffiths et al., 2004).

Libraries are also viewed as a social good. Public libraries play a role in fostering social meanings, encouraging participation in democratic governance and transmitting cultural ideals. According to Curley and Broderick:

Traditionally, public libraries are seen as being civilizing agencies within society. This view sees the library as attempting to provide people with information and knowledge which it is hoped will lead to wisdom and understanding. . . . Another purpose of the library in a democratic society might be called the civic aim. The public library offers citizens of a democracy the means by which they might become informed and intelligent citizens.

(1985: 2–3)

The American Library Association (ALA) produced a list of *12 Ways Libraries are Good for the Country* (2000) which expresses some of the social value of libraries. Essentially, libraries preserve the past, encourage creativity, provide family enjoyment and somewhat level the playing field between rich and poor by providing resources to the less well-off free of charge.