

Info Policy News: Federal Election Platforms, the Return of Lawful Access, and the Google Books Settlement

By Joseph Haigh.

Recent Information Policy Committee (IPC) Activity

Spring continued to be a busy time for the IPC, who hosted a salon on net neutrality, public access, and usage-based billing; a virtual salon on WikiLeaks; and (in conjunction with SFU Library) the Annual Gathering of Librarians Interested in Government and Legal Information, along with an adjunct talk on Canadian copyright by Sam Trosow from the University of Western Ontario.

From Heather Morrison:

In other news, the Information Policy Committee's dinner meeting at the BC Library Conference, Hobnobbing for the Rest of Us, was a smashing success. About a dozen of us gathered to soak in the atmosphere and awesome cuisine of Swan's Bistro and talk policy. It was especially good for people from different areas of the province to get together, and encouraging that several students were able to attend. Thanks to Carla Graebner, Lisa Nathan, and Heather Morrison for sponsoring wine & appetizers.

Federal Election

Out of all the news this spring, the event bound to have the biggest effect on information policy in the coming years was the election of a Conservative majority government. For the election, CLA created a number of helpful documents highlighting library-relevant aspects of the parties' platforms. While intended to inform librarians of their choices in the election, The Party Platform Analysis (<http://tinyurl.com/42nm2av>) and survey responses from the Liberal (<http://tinyurl.com/3v95554>) and NDP (<http://tinyurl.com/43fvrrn>) parties (the only parties to respond) may be worth referring to in the months ahead.

In their campaign, a stated goal of the Conservative party was to immediately begin implementing a Digital Economy Strategy, focused on the following five priorities:

- Building world-class digital infrastructure
- Encouraging businesses to adopt digital technologies
- Supporting digital skills development
- Fostering the growth of Canadian companies supplying digital technologies to global market
- Creating made-in-Canada content across all platforms, to bring Canada to the world

Lawful Access Returns

Lawful Access measures are being proposed yet again, although it would be easy to miss due to the lack of in-depth coverage in the media.

Lawful Access refers to legislation granting law enforcement powers to access communications (e.g. records of internet activity to be held by ISPs) without a warrant. An issue to watch, it affects the intellectual freedom and privacy of library patrons. It could also create significant financial burdens for ISPs (possibly including libraries), if they are required to maintain additional infrastructure in order to comply.

One reason for the lack of media coverage may be the fact that this legislation has been proposed unsuccessfully several times in the past. Another reason could be that the measures are being included in an omnibus crime bill (to be introduced in the fall), rather than as a distinct bill.

In 2005, BCLA adopted a resolution on Lawful Access: <http://www.bcla.bc.ca/ipc/page/lawful%20access.aspx>. The Info Policy News column from Vol.1, no. 4 also includes five facts about the issue: <http://tinyurl.com/437oefr>. Readers looking for an additional perspective may be interested in the May 24 edition of TVO's Search Engine podcast (<http://tinyurl.com/3awm48f>); it features a lucid analysis of these measures' significance for individuals by Michael Vonn of the BC Civil Liberties Association.

5 Facts about the Google Books Settlement

The Google Books settlement has been an ongoing issue in the library world for several years now. However, with the recent rejection of the settlement by a U.S. federal judge, the saga may be coming to an end.

Google Books holds the potential to provide access to many inaccessible works, but it has also raised concerns about pricing and public access controlled solely by Google, in addition to concerns about authors' rights. The complexity of this case also points to the need for a holistic approach to information policy. (For further insight on this, see Sam Trosow's [call](#) for more holistic information policy models, as well as Ian Cornelius's recent book, *Information Policies and Strategies*, which takes a robust critical thinking approach to information policy.)

Taking the holistic view of information policy, libraries need to grapple with more than just immediate operational concerns: dramatic technological change offers exciting possibilities while frequently affecting the interests of disparate groups and raising difficult "meta" questions (e.g. who decides on matters like copyright in a globalized world? what are the best mechanisms for enacting such decisions?). Without an understanding of the complex and quickly changing political, legal, economic, and technological environment, libraries risk seeing their patrons' interests left out of the conversation.

Below are five facts about the state of the Google Books settlement, followed by links to further reading

1. On March 22, U.S. Federal Judge Denny Chin rejected the Google Books settlement, a \$125-million deal worked out between Google and several groups representing publishers and authors.
2. Chin suggested he would consider an opt-in arrangement, rather than the opt-out framework proposed in the settlement.
3. At a June 1 status hearing, the parties asked for more time to negotiate a new settlement. The next hearing will be on July 19.

4. 6,800 people, including many academic authors, opted out of the settlement. Chin cited this fact in his decision, as well as concerns about anti-competitive behavior. He also argued for more comprehensive legislation on the commercial use of unclaimed (or "orphan") works, rather than having this issue decided through a single court case.
5. The roughly 15 million books already scanned by Google continue to be available through Google Book Search, either in full-text if they are in the public domain or in varying degrees of preview access for copyrighted works.

More on the settlement:

- *The New York Times* on the March 22 decision:
<http://www.nytimes.com/2011/03/23/technology/23google.html>
- Robert Darnton (director of Harvard University Library) on why the settlement failed:
<http://www.nybooks.com/blogs/nyrblog/2011/mar/28/six-reasons-google-books-failed/>
- Judge Chin's decision:
<http://www.scribd.com/doc/51331062/Google-Settlement-Rejection-Filing>

About the Information Policy Committee

The BCLA Information Policy Committee (IPC), a standing committee of the British Columbia Library Association, aims to advance and preserve access to information, and to advocate for the public interest in government decisions relating to information policy.

Any BCLA member is welcome to join the IPC's activities. For more information, join our listserv by using the BCLA website listserv management tool here: <http://www.bclibrary.ca/listservs/bcla/>

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