UNIVERSITY OF MARYLAND, COLLEGE PARK

Legal Issues in Managing Information (LBSC 735) – 3 credit hours
Fall 2012 Syllabus

August 30 through December 6, 2012
Thursdays, 5:30 p.m. – 8:15 p.m.
Hornbake Building, Room 0105

Corey D. Williams, MLIS (coreyw@umd.edu)
Adjunct Lecturer, College of Information Studies

Catalog Description of Course
Legal issues related to collecting, maintaining, and providing access to information materials. Includes ownership, copyright, privacy, freedom of information and related issues in libraries, archives and other settings.

Slightly More Detailed Description
This course is designed to analyze legal issues related to the management of information in contexts in which information professionals are likely to be involved— such as libraries, government agencies, archives, information management, and corporate settings. In an age defined by information, knowledge of the legal issues that establish how information is required to be protected, maintained, collected, stored, and accessed is extremely important. While there are far too many laws related to information and different issues related to management of information for this course to cover every specific context, the course will provide an overview of some of the most important legal issues in managing information so that students will be able to apply the course to particular professional situations that they may encounter.

Goals of Course
The primary goals of this course are to prepare students to understand:
  • Key laws related to the management of information;
  • The contexts and applications of these laws;
  • The roles of law in shaping information access, collection, provision, and storage;
  • Professional and ethical issues related to the law;
  • Sources of policies and guidance for legal issues related to managing information; and
  • How to critically assess and apply laws to specific information management contexts.

Course Approach and Expectations of Student Participation
This course meets weekly on Thursdays from 5:30 p.m. to 8:15 p.m. in the Hornbake Building, Room 105 on the University of Maryland, College Park campus. The course will be conducted as a seminar. It is imperative that every student reads the course materials in preparation for class and actively participates in discussions. Based on critical examination of course readings, each student should develop an analytical stance concerning the issues in the course.

Assignments and Grading
Your grade will be based on four items. All papers for the course should be double-spaced, using 12-point Times New Roman font. The margins should be 1 inch exactly on each side. Citations—both in the text and in the references section—must conform to the most recent APA style manual. Pages should be numbered and format should be consistent. Students are expected to hand in a paper copy of their assignment on the due date at the start of class.

1. Classroom participation (20% of your final grade). This seminar is a discussion-based course. You are expected to read all of the assignments, to think through the issues they raise, and to articulate your thoughts on the materials. Clearly, you need to attend class to participate in the discussions. Attendance will be taken every week, with absences being excused in cases of illness, religious observances, and other reasons in line with university policies, or if the university is closed due to inclement weather. *In order to receive an excused absence, the instructor should be notified in advance of the class meeting.*

2. Discussion questions and facilitating discussion (15% of your final grade). To help facilitate discussion of the assigned readings during each class, each student will be responsible for preparing discussion questions for *two classes*. Students will be expected to collaborate with the other student(s) also assigned the same readings/class to formulate 8 – 10 questions that draw from the readings (i.e. compare, contrast or illuminate a particular law, policy or position, synthesize readings, etc.). Students must submit their discussion questions to the instructor via email (at coreyw@umd.edu) 48 hours prior to the start of class for which the questions have been prepared. In addition, during class students will lead discussion using the questions they have prepared. Prepared questions will then be posted in Blackboard at least 24 hours prior to class and students are responsible for accessing and reading them in preparation for class discussion.

3. Ethics, practice, and the law paper (25% of your final grade, due October 11). This paper – approximately 5-7 pages – will tie together the professional codes of conduct discussed in the first class and the practice issues discussed in classes 2-6. **For this paper, select an issue of practice that has been discussed in the class readings, examining the ways in which that issue is addressed in the code of ethics for three of the organizations identified and discussed the second day of class (September 6).** Compare and contrast the approaches in the codes to the issue and identify the ways in which the codes successfully address the issue and the ways in which they are not adequate. Based on these comparisons, present a statement to be added to the codes of ethics to address the issue.

4. Professional context paper (40% of your final grade, due November 29). This paper – approximately 14-16 pages – will involve selecting a topic or combination of topics from the course and discussing their relation to a particular professional context and the unique legal issues in managing information within that professional context.
For this assignment:
- Select an issue of law related to information (i.e., orphan works) that interests you that we have covered in the course;
- Choose a type of information organization (i.e., academic libraries) that interests you; and
- Find between 4 and 6 specific information organizations of that type with a stated policy available online regarding that issue of law (i.e., McKeldin Library at the University of Maryland).

These policies will serve as the basis of the paper, which needs to include (but is not limited to):

1. An explanation of the issue of law and why it is important. Use citations to support your explanation of its importance.
2. A description of the type of information organization selected, its relevance to the issue of law, and your reasons for selecting that specific information organization.
3. Summaries of and links to all of the policies.
4. A comparison of the different policies, including commonalities and differences, about how the policies approach the issue of law.
5. An identification of best practices among the policies, with clearly stated reasons as to why you identify them as best practices.
6. A cataloguing of any important issues that the policies seem to miss, including reasons why they might have been missed.
7. An analysis of the themes across the policies.
8. A proposed policy you would create to address the legal issue.

Classroom Environment

As a graduate seminar, the classroom environment should be professional and respectful. Discussions should be based on course readings and critical thinking. Issues of policy can involve strongly held beliefs and current political controversies. Remember--your classmates may have different perspectives on issues than you, however they still deserve your respect. As another aspect of respect in the classroom environment, turn off or mute all phones and other communication devices during each class session. If you use your laptop in the classroom, limit the usage of the computer to course-related reasons (i.e., taking notes).

Students with Disabilities

Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Disability Support Services office, and (2) discuss any necessary academic accommodation with their teachers. This should be done at the beginning of the semester.

Extensions

Timeliness is extremely important in graduate work, and extensions will only be available during personal emergencies. Students who need to request an extension should discuss the matter in advance with the professor. If an extension is granted, the work must be submitted within the extension period to avoid grade penalties. Unexcused delays in submission of the paper will result in a deduction of half of a letter grade for each day the paper is late.

Academic Honesty

Work submitted in this course will be individual and original, in line with the University's Academic Honor Code and Honor Pledge. Engaging in any academic dishonesty will result in consequences in line with university policies. Academic dishonesty includes but is not limited to plagiarism, cheating, buying work, multiple submissions of the same paper, forging signatures, submitting fraudulent documents, and facilitating the academic dishonesty of others. When writing papers, be sure to carefully and thoroughly cite all materials you use in writing your paper and make sure all ideas and quotations are properly acknowledged.

Class Topics and Assignments

CLASS 1: (AUGUST 30) INTRODUCTORY MATTERS
- Bell, D. (2012, July 12). The bookless library. *The New Republic*. Available:
  http://www.tnr.com/article/books-and-arts/magazine/david-bell-future-bookless-library.

CLASS 2: (SEPTEMBER 6) LAW AND INFORMATION PROFESSIONS
- AALL. "AALL Ethical Principles." Available:
  http://www.aallnet.org/about/policy_ethics.asp
- AAM. "Code of Ethics for AAM." Available: http://www.**aam**-us.org/about**aam/**coe.cfm
- ALA. "Code of Ethics of the American Library Association" Available:
  http://www.ala.org/ala/issuesadvocacy/proethics/codeofethics/codeethics.cfm
  - ALA. "Library Bill of Rights." Available:
    http://www.ala.org/ala/issuesadvocacy/intfreedom/librarybill/index.cfm
- ARL "Mission Statement & Code of Ethics" Available:
  http://www.arl.org/arl/governance/mission.shtml
- ASIST. "Mission & Vision." Available: http://www.asist.org/missionvision.html
- MLA. "Code of Ethics for Health Science Librarianship." Available:
  http://www.mlanet.org/about/ethics.html
- SAA. "Code of Ethics." Available: http://www2.archivists.org/standards/code-of-ethics-for-archivists
- SLA "Professional Ethics Guidelines." Available:
  http://www.sla.org/content/SLA/ethics_guidelines.cfm

CLASS 3: (SEPTEMBER 13) PROVIDING ACCESS TO LEGAL INFORMATION
- Barnum, G. (2002). Availability, access, authenticity, and persistence: Creating the environment for permanent public access to electronic government information. *Government Information Quarterly, 19*, 37-43.
- Crowther, J. L. (1992). Legal information for the public: A public library perspective. *Law Library Journal, 84*, 559-565.
- Danner, R. A. (1987). Public access to the law. *Law Library Journal, 79*, 163-167.
- Healey, P. D. (1995). Chicken Little at the reference desk: The myth of librarian liability. *Law Library Journal, 87*, 515-533.
- Pettinato, T. R. (2007). Legal information, the informed citizen, and the FDLP: The role of academic law librarians in promoting democracy. *Law Library Journal, 99*, 695-716.

CLASS 4: (SEPTEMBER 20) SUPPORTING THE CITIZEN AWARENESS OF THE LAW
- Preer, J. (2008). Promoting citizenship: How librarians helped get out the vote in the 1952 presidential election. *Libraries & the Cultural Record, 43*, 1-28.
- Priebe, T., Welch, A., & MacGilvray, M. (2008). The U.S. Government Printing Office's initiatives for the Federal Depository Library Program to set the stage for the 21st century. *Government Information Quarterly, 25*, 48-56.
- Quinn, A. C. (2003). Keeping the citizenry informed: Early congressional printing and 21st century information policy. *Government Information Quarterly, 20*, 281-293.

- Shuler, J. A., Jaeger, P. T., & Bertot, J. C. (2010). Implications of harmonizing e-government principles and the Federal Depository Library Program (FDLP). *Government Information Quarterly, 27*, 9-16.
- "Depository Library Program," Title 44 *U.S. Code,* Chapter 19, 2011 ed. Available: http://www.gpo.gov/fdsys/pkg/USCODE-2011-title44/pdf/USCODE-2011-title44-chap19.pdf

CLASS 5: (SEPTEMBER 27) INFORMATION ORGANIZATIONS UNDER THE LAW
- Burke, S. K., & Martin, E. (2004). Libraries in communities: Expected and unexpected portrayals in state case law. *Libraries and Culture, 39*, 405–428.
- Dresang, E. T. (2006). Intellectual freedom and libraries: Complexity and change in the twenty-first century digital environment. *Library Quarterly, 76*, 169–192.
- Gathegi, J. N. (2005). The public library and the (de)evolution of a legal doctrine. *Library Quarterly, 75*, 1–19.
- Visit www.usa.gov, www.gpo.gov/fdsys and thomas.gov

CLASS 6: (OCTOBER 4) KEEPING RECORDS
- Bertot, J. C., Jaeger, P. T., Shuler, J. A., Simmons, S. N., & Grimes, J. M. (2009). Reconciling government documents and e-government: Government information in policy, librarianship, and education. *Government Information Quarterly, 26*, 433-436.
- Barr, S. (2008, January 28). Agencies share information by taking a page from Wikipedia. *Washington Post*. Retrieved June 30, 2011, from http://www.washingtonpost.com/wp-dyn/content/article/2008/01/27/AR2008012701655.html?sub=AR
- Farrell, M. (2005). Google and government documents. *Government Information Quarterly, 22*, 143-154.
- Pear, R. (2008, September 13). In digital age, federal files blip into oblivion. *New York Times*. Available: www.nytimes.com
- Snyder, C. (2009, March 25) Government agencies make friends with new media. *Wired.* Retrieved on April 3, 2009, from http://blog.wired.com/business/2009/03/government-agen.html
- Lohr, S. (2010, April 14). Library of Congress will save tweets. *New York Times*. Available: http://www.nytimes.com/2010/04/15/technology/15twitter.html?pagewanted=print

CLASS 7: (OCTOBER 11) OPENNESS, FREEDOM OF INFORMATION AND DECLASSIFICATION/RECLASSIFICATION
**Ethics, practice, and the law paper due
- McDermott, P. (2010). Building open government. *Government Information Quarterly*, *27*, 401-413.
- Sturges, P. (2008). Corruption, transparency, and a role for libraries. *Innovation, 37*. Available: http://www.ifla.org/files/faife/publications/sturges/corruption-libraries.pdf
- White House. (2009). *Open government: A progress report to the American people*. Available: www.whitehouse.gov

- Ericson, T. (2005). Building our own iron curtain?: The emergence of secrecy in American government. *American Archivist, 68*(1), 18-52.
- Zolli, A. (2010, March 8). The future won't be free. *Newsweek*, p. 10.
- Visit USA.gov website on wikis. Available: http://www.usa.gov/webcontent/technology/wikis.shtml

CLASS 8: (OCTOBER 18) WARRANTS AND NATIONAL SECURITY LETTERS

- ALA. (2007). "USA PATRIOT Act: Doe v. Gonzales" Available: http://www.ala.org/offices/oif/ifissues/usactlibrarians
- Gorham-Oscilowski, U., & Jaeger, P. T. (2008). National Security Letters, the USA PATRIOT Act, and the Constitution: The tensions between national security and civil rights. *Government Information Quarterly, 25*(4), 625-644.
- O'Brien, L. (2007). Librarians Describe Life under an FBI Gag Order. Available: http://archive.truthout.org/article/librarians-describe-life-under-fbi-gag-order.
- New York Times. (2011, June 4). Overlooking oversight. Available: http://www.nytimes.com/2011/06/05/opinion/05sun2.html?scp=2&sq=patriot%20act&st=cse
- Kelley, M. (2011). Patriot Act extended for four years with no change to 'Library Records Provision.' *Library Journal*. Available: http://www.libraryjournal.com/lj/home/890795-264/patriot_act_extended_for_four.html.csp

CLASS 9: (OCTOBER 25) PRIVACY

- Associated Press. (2008). Girl's case had library, cops in privacy standoff. Available: http://www.msnbc.msn.com/id/25751801/
- Bowers, S. L. (2006). Privacy and library records. *Journal of Academic Librarianship, 32*(4), 377-383.
- Coombs, K. A. (2004). Walking a tightrope: Academic libraries and privacy. *The Journal of Academic Librarianship*, *30*(6), 493-498.
- Shuler, J. A. (2004). Privacy and academic libraries: Widening the frame of discussion. *The Journal of Academic Librarianship*, *Volume 30*(2), 157-159.
- Johnston, S. D. (2000). Rethinking privacy in the public library. *The International Information & Library Review*, *32*(3-4), 509-517.
- Holden, S. H., & Millett, L. I. (2005). Authentication, privacy, and the federal e-government. *Information Society, 21*, 367-377.
- Adams, H. (2011). The privacy problem. *School Library Journal, 56*(4), 34-37.

CLASS 10: (NOVEMBER 1) FILTERING AND LIMITATIONS OF ONLINE ACCESS

- ALA. (2007). "CPPA, COPA, CIPA: Which Is Which?" Available: http://www.ala.org/ala/oif/ifissues/issuesrelatedlinks/cppacopacipa.htm
- Lowe, C. (2008). Rethinking the E-rate. *American Libraries, 39*(9), 61-62.
- Visser, M. (2011). Refresh your view of E-rate. *American Libraries*, *42* (5/6). Available: http://americanlibrariesmagazine.org/features/05082011/refresh-your-view-e-rate
- Johnson, D. (2005). Maintaining intellectual freedom in a filtered world. *Learning and Leading with Technology, 32*(8), 39-41.

- Jaeger, P. T., & Yan, Z. (2009). One law with two outcomes: Comparing the implementation of the Children's Internet Protection Act in public libraries and public schools. *Information Technology and Libraries*, *28*(1), 8-16.
- McCarthy, M. M. (2004). Filtering the Internet: The Children's Internet Protection Act. *Educational Horizons* (Winter), 108-113.
- *Blog post*: Barbakoff, A., & Ferrari, A. (2011, March 25). Filter this. *In the library with the lead pipe*. Available: http://www.inthelibrarywiththeleadpipe.org/2011/filter-this/

CLASS 11: (NOVEMBER 8) COPYRIGHT (FAIR USE, FIRST SALE DOCTRINE)

- U.S. Copyright Law Section 107 (17 U.S. C. § 107). Available: http://www.copyright.gov/title17/92chap1.html#107
- U.S. Copyright Law Section 109 (17 U.S. C. § 109). Available: http://www.copyright.gov/title17/92chap1.html#109
- Ferullo, D. L. (2004). Major copyright issues in academic libraries: Legal implications of a digital environment. *Journal of Library Administration, 40*(1/2), 23–40.
- The Chronicle of Higher Education. (2011, May 11.) What's at Stake in the Georgia State Copyright Case? Available: http://chronicle.com/article/Whats-at-Stake-in-the-Georgia/127718/
- Howard, J. (2012, May 13). Long-awaited ruling in copyright case mostly favors Georgia State U. *The Chronicle of Higher Education*. Available: http://chronicle.com/article/Long-Awaited-Ruling-in/131859/
- Liston, S. (2010). First sale rights: Autodesk, Redbox and the Future of Libraries. *Computers in Libraries*, *30*(10*)*, 17-20.
- Fister, B. (2012, April 19). Supremely confusing: Kirstaeng v. Wiley. *Insider Higher Ed.* Available: http://www.insidehighered.com/blogs/library-babel-fish/supremely-confusing-kirtsaeng-v-wiley
- Perine, K. (2012, April 16). Supreme Court takes copyright case. *Politico*. Available: http://www.politico.com/news/stories/0412/75213.html
- Library Copyright Alliance Amicus Curiae brief filed with the U.S. Supreme Court in *Kirstaeng v. Wiley & Sons, Inc.* Available: http://www.librarycopyrightalliance.org/bm~doc/lca-kirtsaeng-brief-3july2012.pdf

CLASS 12: (NOVEMBER 15) LEGISLATION (ORPHAN WORKS, SOPA/PIPA, SECTION 108)
Orphan Works
- Shawn Bentley Orphan Works Act of 2008 (S. 2913). Available: http://thomas.loc.gov/cgi-bin/bdquery/z?d110:S2913:
- Orphan Works Act of 2008 (H.R. 5889). Available: http://thomas.loc.gov/cgi-bin/bdquery/z?d110:H.R.5889:
- Hansen, D. (2012). Berkeley Digital Library Copyright Project White Paper #1: Orphan Works: Definitional Issues. Available: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1974614
- (*optional)* Hansen, D. (2012). Berkeley Digital Library Copyright Project White Paper #2: Orphan Works: Mapping the Possible Solutions Spaces. Available: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2019121

- (*optional*) Hansen, D. (2012). Berkeley Digital Library Copyright Project White Paper #3: Orphan Works: Causes of the Problem. Available: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2038068

SOPA/PIPA
- Enforcing and Protecting American Rights Against Sites Intent on Theft and Exploitation (E-PARASITE bill or SOPA) (H.R. 3261). Available: http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.3261:
- The Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011" (PROTECT IP Act of 2011 or PIPA) (S. 968). Available: http://thomas.loc.gov/cgi-bin/bdquery/z?d112:S.968:
- The Online Protection and Enforcement of Digital Trade Act (OPEN Act) (S. 2029). Available: http://thomas.loc.gov/cgi-bin/bdquery/z?d112:s.2029:
- American Library Association's SOPA, PIPA & OPEN Act Quick Reference Guide. Available: http://www.districtdispatch.org/wp-content/uploads/2012/01/ala_sopa_pipa_open1.pdf
- Lee, T. (2012, January 20). Internet wins: SOPA and PIPA both shelved. *Ars Technica*. Available: http://arstechnica.com/tech-policy/2012/01/internet-wins-sopa-and-pipa-both-shelved/

Section 108
- U.S. Copyright Law Section 108 (17 U.S. C. § 108). Available: http://www.copyright.gov/title17/92chap1.html#108
- Library of Congress. (2008). Section 108 in the 21st century: Group issues report recommending copyright changes. *Library of Congress Information Bulletin, 67 (4)*, 59. Available: http://www.loc.gov/loc/lcib/0804/section108.html
- Albanese, A. 2011 (October 26). U.S. Copyright Office outlines "Priorities and Special Projects." *Publisher's Weekly*. Available: http://www.publishersweekly.com/pw/by-topic/digital/copyright/article/49265-u-s-copyright-office-outlines-priorities-and-special-projects-.html
- Pallante, M. 2011 (October 25). Priorities and special projects of the United States Copyright Office. Available: http://www.copyright.gov/docs/priorities.pdf

CLASS 13: (NOVEMBER 22) *NO CLASS – THANKSGIVING RECESS*

CLASS 14: (NOVEMBER 29) DIGITAL LIBRARIES
**Professional context paper due
- Visit and explore the following websites:
  - Digital Public Library of American http://cyber.law.harvard.edu/research/dpla
  - Google Books http://books.google.com/
  - HathiTrust Digital Library http://www.hathitrust.org/home
  - Internet Archive http://www.archive.org/
- Kumar, G., & Sirui, L. (2011, May 26). "Digitizing knowledge." *The Harvard Crimson*. Available: http://www.thecrimson.com/article/2011/5/26/library-books-google-dpla/?print=1

- Glushko, B. (2011, May 2). Keeping library digitization legal. *American Libraries*. Available: http://americanlibrariesmagazine.org/features/05022011/keeping-library-digitization-legal
- Picker, R. (2011). "After Google Book Search: Rebooting the digital library." *John M. Olin Law & Economics Working Paper, 559*. Available: http://ssrn.com/abstract=1864031.
- Darton, R. (2011, March 23). A digital library better than Google's. *New York Times*. Available: http://www.nytimes.com/2011/03/24/opinion/24darnton.html?_r=1
- Helft, M. (2009, May 4). Libraries ask judge to monitor Google Books settlement. *New York Times*. (Please skim read the libraries' filing, also.)
- Lee, T. (2011). Federal judge rejects Google book monopoly. *Ars Technica*. Available: http://arstechnica.com/tech-policy/news/2011/03/judge-rejects-google-book-monopoly.ars
- Albanese, A. (2011, March 28). The Google settlement rejection: What comes next? *Publishers* Weekly. Available: http://www.publishersweekly.com/pw/by-topic/digital/copyright/article/46625-the-google-settlement-rejection-what-comes-next-.html
- Library Copyright Alliance (2012). Amicus Curiae brief filed in *Authors Guild vs. HaithiTrust*. Available: https://www.eff.org/cases/authors-guild-v-hathitrust

CLASS 15: (DECEMBER 6) E-BOOKS
- Albanese, A. (2011, April 25). Librarians at the gate. *Publishers Weekly*, *258*(17), 32-33.
- Kellogg, C. (2011, March 7). HarperCollins' 26-checkout limit on libraries' e-books starts today. *Los Angeles Times*. Available: http://latimesblogs.latimes.com/jacketcopy/2011/03/harpercollins-library-ebook-checkout-limit.html
- Wexelbaum, R., et al. (2012, July 2). Challenges to E-Reader adoption in academic libraries. *The Reference Librarian, 53*(3), 270-283.
- Finder, Alan. (2012, April 11. E-book borrowing, preceded by e-book waiting. *New York Times*. Available: http://www.nytimes.com/2012/04/12/technology/personaltech/e-books-are-easier-to-borrow-just-be-prepared-to-wait.html?_r=1&pagewanted=all
- Schwartz, M. (2012, May 8). Blind patrons sue Philly Library for loaning inaccessible Nooks. *Library Journal*. Available: http://lj.libraryjournal.com/2012/05/industry-news/blind-patrons-sue-philly-library-for-loaning-inaccessible-nooks/
- Bell, D. (2012, July 12). The bookless library. *The New Republic*. Available: http://www.tnr.com/article/books-and-arts/magazine/david-bell-future-bookless-library.

Syllabus Change Policy
This syllabus is a guide for the course and is subject to change with advance notice.

Office Hours & Contact Information
My office hours for Fall 2012 are TBD. Please don't hesitate to contact me via email at coreyw@umd.edu.