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A Framework for Information Policies with Examples from the United States

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Introduction

What is "policy?" It is a word often used in a very general way. What is encompassed by this term, and how might we apply it to the role of information in society? McClure and Jaeger (2008) say that policy is "directives intended to shape decisions and actions of individuals, organizations, and government agencies." Yet to Ohegbu (2008) it means simply "guidelines to regulate participation." Rubin (2010) offers us a more general definition by stating that "policy" typically refers to political laws or regulations, yet can also mean a rule or practice followed more locally.

Where library and information issues are concerned, we would hope that a national policy would guide the development of both infrastructure (things like telecommunications networks and computers and library buildings), and content (everything from copyright agreements to actual documents). Braman (2006) found 20 different clauses in the US Constitution (a document written well over 200 years ago) that might be considered information policies.

Hence, "library and information policy" could be defined as those laws, regulations and practices intended to facilitate the creation and dissemination of information throughout society. A fundamental aspect of this goal is creating channels for this to happen. Computer networks are one example of a channel, and libraries are another.

As Tom Galvin (1994) pointed out at a speech to the F.I.D., and as many of us have experienced in practice, there is always some level of disagreement or divergence among us regarding goals and values. For example, different branches of government have different priorities. And the local, "bottom-up" view often differs from the national view. This divergence will be illustrated through several examples later on.

There is also a *time* element in policy, depending on the stage of development of a nation, and its current concerns. Policies change as political leaders come and go. The elements that are emphasized may change as a nation evolves. The Canadian International Development Research Centre makes this very generalization as regards African nations (IDRC, 2002), yet it could apply to others as well. This is why those policy goals concerning "Human Resources" need special emphasis in industrialized countries; physical infrastructure tends to be emphasized in developing nations more than it does in developed parts of the world.

Multiple Stakeholders, Multiple Policies

There are many, sometimes even conflicting, policies partly because there are many different parties involved in creating policies (Case, 1998). Consider, for example, the types of organizations that have a stake in policies. These differ by type of organization, and also by geography, for example, local

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governments versus national governments. British library director Michael Hill (1994) lists 17 government departments and 5 government agencies involved in setting information policy in the UK.

Thus, it is more appropriate to speak of "information policies." The United States, with a federal system, including 50 semi-autonomous states, a long tradition of local government, and three branches of federal government that are sometimes in conflict, is perhaps an extreme example.

Here is one story to illustrate the complexity, and inter-connectedness (see McClure & Jaeger, 2008) of information policies, and how they may conflict. As I will discuss later, "national security" is one information policy goal. Following the terrorist attacks on the World Trade Center on September 11 of 2001, the United States passed a law called the USA Patriot Act, which included many provisions intended to increase surveillance and detection of possible terrorists. Two types of evidence that federal agents wished to investigate were reading habits, including the books that were borrowed from local public libraries, and patron searches on the Internet. The Patriot Act made it much easier for federal police to request circulation records and examine Internet searchers at libraries. It also forbade the libraries from announcing that they were under investigation.

At the same time there were policies at the state and local level that conflicted with these federal powers of investigation. Before the attack, 49 of 50 states had some kind of law that prohibited this kind of investigation in the interests of privacy and freedom of thought. Over the last few years at least two states added or strengthened laws protecting client privacy, showing some resistance to the federal law.

More importantly, the national law went against a long-standing effort to resist governments from "spying" on what citizens read. At various times in US history, especially about 50 years ago, the Federal Bureau of investigation (FBI) has tried to monitor citizen reading habits. For this reason, most libraries have not kept records of who borrowed which books, after the books are returned—even though this might be useful information for the library. In doing so they follow their own privacy policy, which is encouraged by the American Library Association.

And because libraries were forbidden to announce publicly that they *were* under investigation, some libraries posted a sign that said "today we have not been visited by the FBI"; the idea was that, if the library WAS investigated by the police, they could take the sign down, thus signaling to the public that the FBI had requested library records. By doing this they could stay with in the law, at the same time that they oppose the law.

So, here we have examples of policies in conflict at three levels: the nation, the state, and the organization. And The Patriot Act was challenged also *within* the federal government, by the federal courts.

Identifying and Categorizing Policy Goals: Tom Galvin (1994) and others say that the identification of policy goals starts with identifying "Needs." Various writers have proposed frameworks or tables for classifying policy areas (e.g., Couture, 1991; Gray, 1988; Grieves, 1998; Hill, 1994; Moore, 1993; Rowlands, 1996). Unfortunately their frameworks tend to be specific to one nation and /or set of issues. Rowlands and Moore's articles are perhaps the best of these, however their matrices and examples reflect only certain types of information policy, and make no clear attempt to relate them to other societal goals and activities.

Therefore this article proposes a more general classification of policy goals (Figures One and Two). The classification divides policy into the categories of Technology, Legal (e.g., regulation) and Human infrastructures, that are intended to be governed and developed. Their effects are aimed at two concerns: Economic goals and Social goals.

Figure One

Information Policy Categories

Technological Infrastructure (Telecommunications and Computing)

Legal Infrastructure (Laws)

Human Infrastructure (Workforce)

BY

Economic Goals

So that we have a 3 X 2 table, with six cells:

Figure 2. Information Policy Matrix

Infrastructure Type	Goal Type and Examples	
	Economic	Social
Technological	Develop Markets Create Jobs Increase Capacity	Facilitate Communication Facilitate Transportation Increase Comfort & Well-being
Legal	Protect Markets, Jobs Protect Property Promote Growth Establish Taxes/Subsidies	Disseminate Information Foster Creativity Increase Security Protect Privacy
Human	Provide Job Training Manage Knowledge Develop Workforce Encourage Consumption (or not)	Provide Education Provide Access Provide Culture Provide Social Capital

The "economic" column makes the point that we use investments in technology and the human workforce to provide a basis for the wealth of society, including development of industries, products and services. Yet underlying both of those we must have laws and regulations to define the operation of industries, to support investment in them, to decide who has the property rights, and who gets the profits. In this way we also provide a mechanism, through taxation, to provide cross-subsidies for the social goals in the right hand column.

The social goals have more to do with the individual, the family and the culture. We build telephone networks so that people may communicate, and transportation systems so they can move around. We provide a broad education, not just so that citizens can be productive, but so they can reach their personal goals (Arnold, 2004). We provide mechanisms for access to information, such as libraries, so that they can be informed. We try to preserve the artifacts and non-tangible aspects of national or ethnic culture. And we try to build levels of trust in both institutions and among the general public, so that strong social networks evolve. Underlying all of these social goals are laws that provide for public and private dissemination of information, and the protection thereof. We have laws regarding intellectual property so that writers, artists and inventors will be motivated to produce creative works. We also make laws to promote national security in various ways. And so forth.

These will be illustrated with some examples of the goals that each type of infrastructure tries to support.

Example: Information Industry Policy

The legal infrastructure (Figure Three) creates a foundation for information industries to arise. It does so in a number of ways. First a government provides for a taxation structure so that informational aspects of society, such as education can be funded. In the US, a tax on telecommunications was used to directly create funds to pay for Internet access in local public libraries, for example.

Laws may be created that protect intellectual property, which in turns creates jobs and entire industries. Intellectual property has been of particular concern in the US, which has aggressively tried to protect both patents for inventions, and copyright for cultural materials. Japan, which produces about half of the patent applications in the world, has also been especially active in promulgating policies to protect intellectual property (Kaufman, 2006).

Figure 3.

	Economic
Legal	Protect Markets, Jobs Protect Property Promote Growth Establish Taxes/Subsidie

An interesting counter example of policy making would be the choice of a government *not* to recognize intellectual property rights—which in the past was the case in various nations around the world, including Asian countries most recently (e.g., Oppenheim, 1993), and in the distant past, the United States. A policy of not enforcing intellectual property rights creates industries and jobs of other types— pirating of music and software, for example. That is also an example of information policy. Whatever the national government does in regards to information industry policy, it hopes to create markets that promote economic growth.

Where Libraries Fit

In this matrix, libraries fit in the "Human - Social" cell (Figure Four). Libraries are concerned with the promotion of Human Infrastructure. Human Infrastructure supports society in a ways that are not strictly economic or political, but more concerned with individual human development that improves society as a whole. An example of the difference between the Social and Economic dimensions of Human Infrastructure may be found in economist Adam Smith's commentaries about how a specialized division of labor is the foundation for economic development, yet can have the unfortunate side effect of encouraging workers to become as "stupid and ignorant as is possible"; Smith saw a role for government in countering this tendency, through provision of education.

Figure 4

	Social
Human	Provide Education Provide Access Preserve Culture Promote Social Capital

So under the Social category information policies create a foundation for learning and human development of all types. Policies concerning education are also information policies, just as are laws regarding a government provides for a taxation structure so that informational aspects of society, so that education can be funded.

Libraries and other information agencies must develop policies that allow them to reach the following goals:

To foster literacy among the population. Both school and public libraries must teach and encourage reading. Where possible, they must also help citizens learn to use computers and to understand what information they find on the Internet.

As mentioned earlier, they must, in other ways, support education. This takes place through the proper development of school and university libraries, and the networks and cooperative agreements that help them. Our national and institutional policies governing Internet services and exchange of both electronic and physical materials are examples of these goals (e.g., Liu & Zhang, 2001).

Policies must recognize the importance of training new librarians to serve as intermediaries. That is, librarians to staff libraries and help the people they serve to find and understand information. Existing librarians may also need re-training. Policies offering financial support for university education are examples of such goals.

Policies must also provide for public access to information. This is especially true for information produced by the government itself (e.g., Lor & van As, 2002). The US federal, local and state governments, for example, have "e-government" websites and services, through which information is not only disseminated, but citizens may conduct transactions, e.g., applying for a permits or jobs, or asking questions to government officials.

Libraries and museums play a key role in preserving national culture (Vitiello, 2000). They do this most often by preserving the artifacts of culture: everything from ancient statues to books to sound recordings of music. In North America digital preservation of documents is being helped by a new law that will make it easier for libraries to make digital copies of so-called "orphan works," in which the owner is difficult to identify, or which may have no owners.

Finally, in many indirect ways information agencies can promote trust among societal members, and in this way create social capital. In recent years many economists and political scientists have rediscovered the importance of social networks and trust in providing a framework for a sound economy and society (Fukuyama,1995; Lin, 2002). If we do not trust others, we will not trade with them. Neither are we likely to help them in times of natural disasters. This is one of the reasons that much attention has been paid to "the library as a place"; public libraries, in particular, want to be meeting places for their communities, so that people come to know each other as neighbors.

How Policies are Made

The process by which policies are made obviously will differ by nation. It may also differ within nation according over time, as political leadership, the economy, and other factors, change.

The US, for example, has had such variation that it is difficult to describe a "typical" path to library/information policy. But here are three examples that are fairly rational and orderly. All three began with efforts from organizations outside of the government, as well as branches or agencies within. They represent different focuses, from building libraries and providing materials, in the first case, to disseminating secret government information, in the second example, to providing infrastructure and access to it in the third example.

Library Services Act. The Library Services Act was legislation of the US Congress. It was partially sparked by fears of competition from the Soviet Union in the 1950s, as part of a general concern that the US was lagging behind in education, in general, and science and technology, in particular. There were many external advocates of such policies; The US Department of Education asked for policy guidance from the American Library Association, for example. And various state and city governments lobbied for support of libraries. Yet the main impetus came from within the Congress and Executive branch itself. The act was also resisted by some parties; Raber (1995) describes conservative efforts to prevent the passage of the Library Services Act of 1956 and later Acts.

The first version of the LSA was originally attended to address inequities in library services between cities and smaller town, and also for the native peoples or American Indians. It initially focused on aid to improve services, then included money for building libraries and later for providing materials, especially in foreign languages. It was renewed and expanded repeatedly until the 1990s, when it began to be reduced in size and the emphasis shifted more to information technologies. In 2003 a new federal agency was formed to govern such funds, taking them away from the US Dept. of Education, and adding funding of Museums to that of libraries.

Not long after the second version in the late 1960s, President Lyndon Johnson, created the National Advisory Commission on Libraries, by an executive order, to coordinate ''national library policy'' (Schuler, 2004, 2005). The Commission recommended creation of a policy agency, the National Commission on Libraries & Info. Science (NCLIS) which was created in 1970. Its goals: 1. Advise the President and the Congress on the implementation of policy. 2. Conduct surveys and studies relative to library and information needs. 3. Develop plans to meet national library and information needs. 4. Advise federal, state, local, and private agencies regarding library and information sciences. The NCLIS gathered statistics, sponsored research and conferences, and published 20 policy documents during its 38-year history. In March of 2008 the Bush administration eliminated NCLIS, saying that its policy advice could come from IMLS, a program agency (Blumenstein, 2008). IMLS (2007) recently pledged to conduct policy research and to continue to advise government. Interestingly, a recent article in *Library Journal* tried to imagine what an ideal federal library agency would look like (Steere, 2010).

Freedom of Information Act. The FOI Act is very different in origin. It came about because a member of Congress (John Moss) made it his mission. It was disliked by the President and his agencies at the time, but supported heavily by Congress and by groups external to the government, those representing civil liberties in general. The Act resisted a growing turned for the federal government to declare much of its records "secret" in the interests of national security. It made possible several interesting developments. Newspapers and historians were able to request documents related to government activities and decisions, after a certain period of waiting. And citizens could find out if they had ever been the subject of investigation by national government agencies such as the FBI. The records were not completely open to the public; the Act established a formal procedure to compel the government to release specific information. It is still widely used today, with as many as 2 million requests each year. Every federal agency must maintain a FOIA web page to take such requests.

Telecommunications Act of 1996. The third example of policy is interesting because of the confluence of many interests: all three branches of the federal, including the courts, the Federal Communications Commission (which reports to both Congress and the President), and Congress, along with many of the largest US corporations at that time. Among the firms were the telephone, broadcasting and computer companies. A the laws changed by the Act dated back to 1934, one could say that is had been trying to come into existence ever since at least the 1960s, when it became apparent that computers, telecommunications and publishing industries, all separately regulated (or not regulated at all, in the case of publishing), would merge via computers. The court system and the Federal Communications Commission had been increasingly pushed into decisions about the boundaries of businesses, and a new foundation was needed. An interesting development was the shift of control of the Congress from the Democratic party to the Republican party in 1994, which drastically changed some of the public interest provisions in the act (Case, 1998; Gustafson, 2006). Eventually it provided from direct

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subsidies to public libraries to provide access to the Internet—as a compromise on more ambitious plans (Aufderheide, 1999).

In summary one can see that while policy is often made by one of the three branches of the US government: the Congress, the Executive (President and his agencies), or the Courts, it often depends on lobbying or pressure from outside groups, most often in education or industry. Shin (2008) finds the existence of these "bottom-up" interest groups to have particular value in setting infrastructure policies, compared to completely "top-down," government-led initiatives. Unfortunately the US lacks a central policy body for LIS except in the form of the IMLS, which has not yet been very active in gathering statistics, funding studies or issuing policy documents; however, the American Library Association has been an often-effective advocate for library interests (Rubin, 2010).

Trends

It may be helpful to consider trends that will affect library- and information-related policies. Speculating on emerging events is a difficult and dangerous thing to do, because so often our predictions about the future turn out to be incorrect. But I will attempt a few generalizations. The following are some changes that I believe are happening worldwide, which influence policies relevant to libraries and information agencies.

Although I think the effect is modest, it appears that information technology and telecommunications themselves influence policy-making (e.g., Shin, 2008). It does this by changing human communication patterns, allowing new influences on policy, especially in the form of spreading opinions and news. This in term reflects things like the organization of workers and voters, affecting economic decisions and elections.

Obviously the number of information channels have expanded with the development of computers and high-speed networks for data and voice transmission. They have also become more interactive, allowing for two-way communication, not just one-way, as with the older publishing and broadcasting industries. We see more and more examples of the Integration of media, e.g., mobile phones that allow us to take and store and send photos, as well as voice and email, and to surf the Internet.

It is perhaps a cliché that an educated workforce is key to taking advantage of the expanded channels of information. But the workforce must also be adaptable, willing to learn and change. To take one example: I live in a country where education standards have declined over the last 30 years, and where many people are unwilling to change their expectations. Many US citizens still believe that education ends at age 22; we do not value life-long learning. This does not allow us to maintain our current habits in a global economy.

There has been much concern over so-called Digital Divides in national populations (e.g., Singh, 2002). This refers not just to physical access to computers and networks, but also to effective use of them to find information and communicate. Some groups, such as the poor, the less educated and those living on farms, differ from other segments of society in their access and use. These divides increase or decrease as new forms of IT diffuse throughout society. In the US gaps in Internet use among different ethnic groups have decreased greatly over the last decade, while those between men and women, and among different age groupings, have decreased somewhat (Buente & Robbin, 2008). But gaps have not decreased very much among different income groups (Hundley, *et al.*, 2003).

Digital libraries continue to evolve in useful ways. As they do they require more change in regulation and licensing agreements (Marcum & George, 2006). These also create complications with implications for libraries and for LIS schools: new librarians need to understand more about intellectual property and about licensing. They also need to be able to teach students about these things. We have

not yet discovered a dominant business model for electronic publishing. Many different arrangements exist (NCLIS, 2008). As digital libraries evolve we may find that academic libraries become major players, and perhaps even publishers, in scientific and scholarly communication (Mandel, 2006).

Conclusion

Policy is a complex topic with a variety of manifestations across nations. Information policy is even more difficult to define, as it ranges from physical things like books and libraries, to abstract content and arrangements for ownership thereof. The result is often a proliferation of different national and local policies, sometimes in conflict with one another.

Yet certain information policy goals are similar across nations and can be encompassed in a three-by-two framework of dimensions. This framework crosses Social and Economic aspects with three types of infrastructure: Technological, Legal, and Human. The general policy goals of libraries are concerned with the promotion of Human Infrastructure. These goals are worth considering because our attention tends to be diverted by the Technological Infrastructure, which continues to expand at a rapid pace.

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